the weekly
Standard

JULY 21, 2003 $3.95

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FRED BARNES

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Contents

July 21, 2003 • Volume 8, Number 43

2 Scrapbook... *Truth, the DNC, Dick Gephardt, and more.*

4 Casual..... *Andrew Ferguson, tree novice.*

6 Correspondence..... *Lemmings, Venona, etc.*

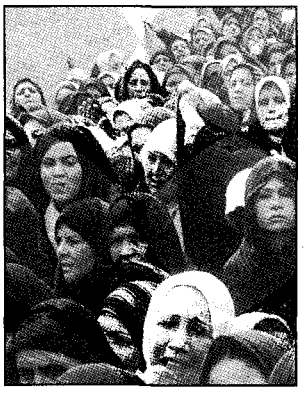
11 Editorial ..... *Race to the Bottom*

Articles

14 Another Political Earthquake *The Gray Davis recall looks like a Prop 13 replay*..... BY FRED BARNES

17 Perfidious America? *Tony Blair deserves better from America than a medal*..... BY IRWIN M. STELZER

20 The High Price of Cheap Drugs *The House is tempted by a terrible idea*..... BY JOHN E. CALFEE



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Features

22 Why Iraq's Still a Hard Place
The thugs are fighting, the troops are tired—but we're winning..... BY TOM DONNELLY

25 The Beginning of a Beautiful Friendship?
Americans and Iraqis are getting along better than we've heard.. ..... BY REUEL MARC GERECHT

29 Better Safe Than Sorry
Post 9/11, the Bush administration has mostly gotten it right..... BY AMITAI ETZIONI

Books & Arts

35 Stand-Up *Gerald Nachman's* Seriously Funny..... BY JOSEPH EPSTEIN

39 Law and Justice *Russell Hittinger on the laws of nature and nature's God*..... BY THOMAS HIBBS

41 The Wide World of Roone Arledge *The autobiography of a television pioneer*..... BY MARTIN LEVIN

43 THE STANDARD READER ..... *Roger Simon's* Director's Cut *and William Safire's* No Uncertain Terms.

44 Parody..... *The 2004 State of the Union.*

William Kristol, *Editor* **Fred Barnes**, *Executive Editor*
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the weekly Standard

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Who's Lying?

Any doubts that Democrats would try to use the Iraq war against George W. Bush were erased late last week with the release of two ads accusing the president of lying. The first comes from the left-wing activist group Move On (founded during the Clinton impeachment to defend a president who lied), and the second from the Democratic National Committee. Both ads are designed to capitalize on revelations that forged documents suggesting Saddam Hussein sought uranium from Niger contributed to one of the president's claims in the State of the Union address. And both ads make the same subtle point: Bush lied!

The ads are similar. Let's look at the one from the DNC:

In his State of the Union address, George W. Bush told us of an imminent threat.

PRESIDENT BUSH: "Saddam Hussein recently sought significant quantities of uranium from Africa." [2003 State of the Union]

America took him at his word.

But now we find out that it wasn't true.

Far worse, the Administration knew it wasn't true.

This dramatic political rhetoric is complicated by one minor detail: It isn't true.

Start with the first claim. Did George W. Bush tell us of an imminent threat? Not quite. Instead, he directly challenged those—primarily Democrats—who wanted to wait until a threat from Iraq was imminent. Said Bush: "Some have said we must not act until the threat is imminent. Since when have terrorists and tyrants announced their intentions, politely putting us on notice before they strike? If this threat is permitted to fully and suddenly emerge, all actions, all words, and all recriminations would come too late. Trusting in the sanity and restraint of Saddam Hussein is not a strategy, and it is not an option."

The DNC edits President Bush's next statement to suggest that he is saying something he never intended to say. Here is the claim in its entirety: "The British government has learned that Saddam Hussein recently sought significant quantities of uranium from Africa."

As Cliff May asked in a devastating column on *National Review Online* last week: "Precisely which part of that statement *isn't* true? The British government did say that it believed Saddam had sought African uranium." And, not insignificantly, the British government stands by that analysis today. What's more, CIA director George Tenet admitted Friday that the agency screwed up in its vetting of the president's speech last January.

Having failed to establish that President Bush lied, the DNC ad compounds its whopper by claiming the "administration knew it wasn't true." Knew what wasn't true? Neither the DNC ad nor the *Moveon.org* ad refers to the forged Niger documents—indeed, that nation is never mentioned.

False allegation after false allegation, and the ad crescendos with this priceless line: "It's time to tell the truth."

Good advice. ♦

The Gephardt Five

And now, an election-cycle koan: If a Democratic presidential frontrunner falls into obscurity, and nobody's there to hear him, does he make a sound? Apparently, he does—the sound of less than ten hands clapping. That's the bad news for Richard Gephardt. According to the *Drudge Report*, Gephardt fans on *Meetup.com*—the Internet rallying point that helps people get together with others who share their obsessions—had to scotch their Washington, D.C., "Gephardt in 2004" meeting when fewer than five people signed up.

Nationwide, it doesn't get much better. Despite Gephardt's stirring tributes to the Corporate Subsidy Reform Commission Act and his played-to-the-hilt unveiling of daughter Chrissy as a lesbian, *Meetup* boasts only 305 "Gephardt Supporters Worldwide." For some perspective, consider that Howard Dean has 60,616 and John Kerry has 5,698. Wesley Clark, who hasn't even decided if he's running, or if he's a Democrat, has 4,261. Even no-hoper Dennis Kucinich has 1,084.

For additional perspective, consider that more people on *Meetup* were excited about getting together to chat about beekeeping (5) than about getting together for Gephardt in D.C., a place where Gephardt has spent the bulk of his adult life, to help him realize his presidential ambitions. Worldwide, Gephardt did outpoint "Adult Fans of Legos" (305 to 182). But he lost to soapmakers (576) as well as to dumpster divers (317).

Free advice from THE SCRAPBOOK: If Gephardt ever intends to play catch-up on the Internet, he might want to start planting organizers within the record-buying ranks of Insane Clown Posse fans. Their *Meetup* enthusiasts like to "discuss the wild antics of Shaggy 2 Dope and Violent J.

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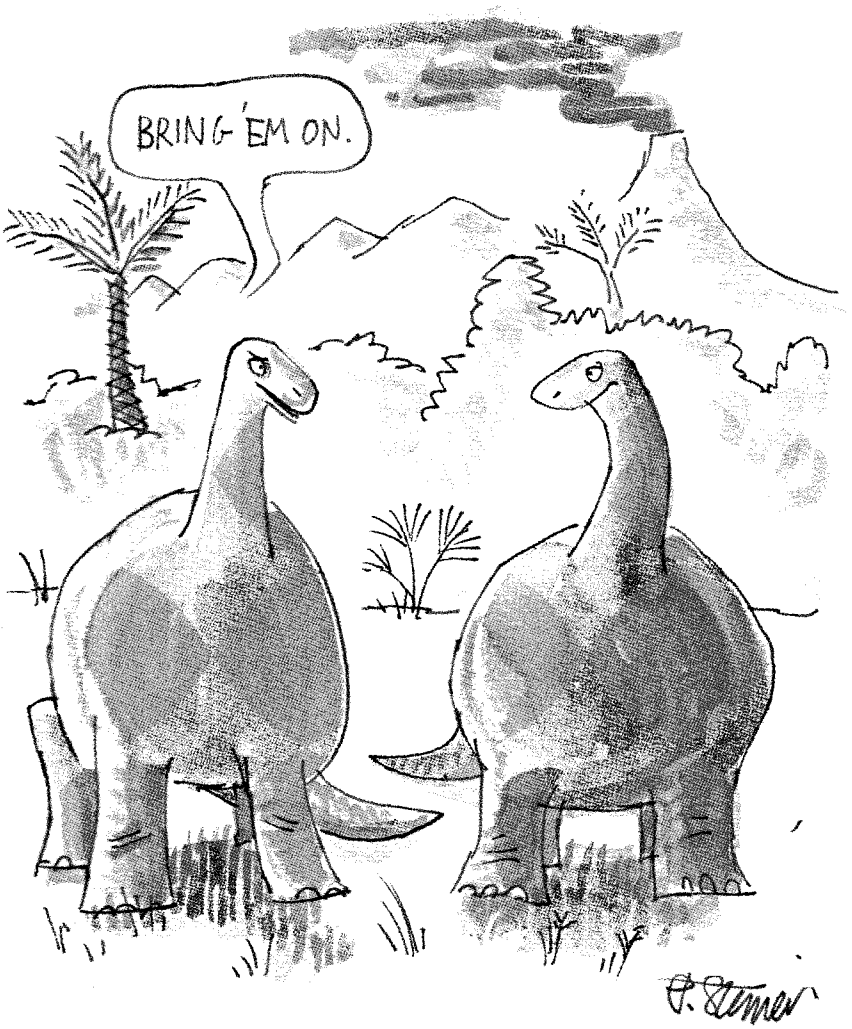

as well as the Era of the Sixth with fellow juggalos and juggalettes." We have no idea what "the Era of the Sixth" or a "juggalette" is—but Gephardt had better start learning if he ever wants to catch Howard Dean. ♦

No Roman Holiday

Say what you will about the cooled relations between the United States and Germany over the last year—at least we didn't resort to making Nazi references or invoking beer-bellied stereotypes. Which is exactly what Italy has done, sparking a refreshingly new intra-European rift.

It all started two weeks ago when Italy's prime minister Silvio Berlusconi compared a German member of the European parliament (which Berlusconi currently heads) to a concentration camp guard. Then the minister for tourism, Stefano Stefani, was quoted in a newspaper as saying Germans "have been indoctrinated to feel first in the class" and that they "noisily invade our beaches" and take part in "belching competitions after drinking enormous amounts of beer and stuffing themselves with [french fries]."

It wasn't the most business savvy thing to say, considering that 10 million Germans visit Italy each year. At first, Stefani refused to back down, but last Friday it was announced that he had offered his resignation and even said "I love Germany." We're not sure Chancellor Gerhard Schröder is buying into this, however, since he has yet to change his current travel plans—rather than go on a scheduled family outing to sunny central Italy, he has chosen to remain in Germany, vacationing in sunny central . . . Hanover.

No word as to whether or not he'll be taking part in the belching competition. ♦

Harvard Nixes the Valedictorian

Two weeks ago, Jonathan V. Last reported in these pages on the case of Blair Hornstine, the Moorestown, N.J., valedictorian who sued her high school for $2.7 million when the administration tried to name a co-valedictorian to share the award with her ("First in Her Class," July 7 / July 14). Hornstine had won a court injunction, which kept her as the sole valedictorian, and the damages portion of her trial is still pending. But last Friday there was a development that won't be a surprise to readers of Last's article: The Harvard-bound super student is Harvard-bound no longer.

The July 11 *Harvard Crimson* reports that the school has revoked its offer of admission because of five plagiarized essays that Hornstine wrote for a local newspaper. Steven Kudatzky, an attorney for Hornstine who had called the charges of plagiarism against his client "another example of Blair being singled out and victimized," could not be reached by the *Crimson* for comment on Friday. Neither could any of her other attorneys. ♦

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Casual

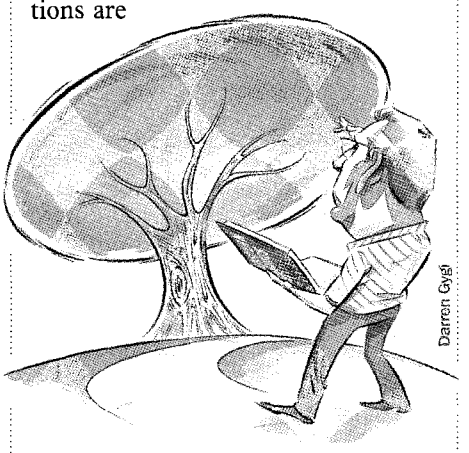
Leaves of Trees

I was out of town on a reporting trip a couple months ago, hanging around with a group of people I thought might make a good story.

They had gathered near dawn on a bluff by a river. It was a striking site and I wanted to record its details in my notebook, as a way of splashing a little color into my narrative. Far below us, a wooden footbridge arched across the ice-blue water. White caps rose and fell. Poised at the crest of the bluff was some kind of big tree, its mighty limbs overspreading our little group, and when the wind picked up, a gentle spray of its leaves would flutter to the ground, layering a lush carpet of leaves from some other kind of tree nearby. Yet another, different kind of big tree commingled its branches with the first big tree that I just mentioned, and as the light passed through, it fashioned a cathedral effect framing the hillside beyond, where lots and lots of other big trees formed ghostly shapes in the rising mist, the way this kind of tree sometimes does, the kind of tree that has those scraggly, gnarled limbs and the tiny, pointed leaves. Maybe you know the kind of tree I mean.

Or maybe you don't. My stab at colorful description came to nothing. Wherever I scanned the intricate arrangement of this sun-dappled tableau, trees formed the essential element, and God only knew what kind of trees they were. When I got back home and paged through my skimpy notes, I thought: A writer needs to know his trees. You can't use phrases like "sun-dappled tableau" unless you're ready to say what kind of foliage is causing the sun to dapple the tableau. It constitutes a professional transgression of some sort—a cheat. It's not Jayson Blair, but a whiff of bunco clings to it just the same.

This is how I came to the work of Dr. George A. Petrides. He is the author, now deceased, of *Eastern Trees*, an illustrated field guide I bought soon after my frustration on the bluff. I've never met him but feel an intimacy with him, the way a reader does with writers who deliver. Dr. Petrides knows everything about Eastern trees, and as a literary man his chief distinctions are



his lack of pretense and his distaste for obfuscation—almost unheard-of in an expert of any kind, but indispensable in anyone trying to get his thoughts down straight and clear. Clarity is a high principle with him. "This book avoids technical botanical terms," he writes. "There seems to be little point in describing a leaf shape as 'cordate,' for instance, when a botanical glossary defines the word as meaning merely 'heart-shaped.' One might as well say 'heart-shaped' from the beginning."

And where there is clarity—if the subject is trees—there is beauty. Beauty is another of Dr. Petrides's chief concerns, as you would expect from a fellow who has given his life to flora. All field guides are built on schemes of classification, and *Eastern Trees*, encompassing 455 species in 210 genera, is no different. Classification is a dull and bloodless art, usually making for dull and bloodless books. Yet within his categories, Dr. Petrides lets his gifts for clarity and for beauty loose, along with the telegraphic brevity required of a guide that can be slipped easily into a pocket for an afternoon ramble. "Crushed leaves are spicy-scented," he writes of the noble Black Walnut (*Juglans nigra*). "Twigs hairless, stout; pith light brown and chambered." Much of the data, such as those on the Sweetgum (*Liquidambar styraciflua*), are more suitably rendered as free verse. "*Leaves may be five- or seven-lobed / pleasantly fragrant when crushed / Twigs not ringed / yet branches often corky-winged / Stubby spurs densely covered by scars . . .*"

The first edition of *Eastern Trees*, released in 1958, examined shrubs as well as trees, but for subsequent editions Dr. Petrides decided to clear out the underbrush and direct his reader's attention to trees exclusively. It was a sound decision, in my opinion. Shrubs are a distraction from the more compelling study of trees, which is its own reward. Trees, as I discovered against my will on the bluff, are the essential element. When you've learned about a tree—really nailed it—you feel as though you've come to know something important. You've fed your brain with real news, as opposed to the news that usually consumes us—the kind that passes over the front page for a day or a week and soon enough is gone.

Sometimes I worry about a life misspent. This is why I'm so happy to have come across Dr. Petrides, and why my debt to him, which deepens daily, would be described, by more pretentious arboriculturalists, as cordate. I know more than is good for me about competing schemes for integrating a prescription drug benefit into Medicare (Part B), not enough about the Paper Mulberry (*Broussonetia papyrifera*), whose "leaves, fine-toothed, vary from unlobed and heart-shaped to deeply and intricately lobed, sandpapery above and velvety below."

Andrew Ferguson

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Lefty Lemmings

The wonderful cover illustration of lemmings as Democrats leaping heedlessly over a cliff (June 30) unfortunately continues a long-running myth about lemmings (but not about Democrats). The modern version started with the Disney film *White Wilderness* in 1958, which apparently staged the "mass suicide" of the little creatures. Curiously, though, and much more relevant to David Brooks's story, when lemmings experience population pressures, they turn on each other in fratricidal violence.

Mark A. Wilson
Wooster, OH

David Brooks's "Democrats Go off the Cliff" was succinct and to the point regarding the hateful and vitriolic words being spewed by today's leading Democrats. These men really hate our president, but where Brooks attributes this to helplessness in terms of power, I would also respectfully add that they hate George W. Bush because they know they can never be like him. He is a good and decent man who loves his country, respects the rights of its citizens, and, like the Founding Fathers, has a deep and abiding faith in God.

I was a lifelong Democrat until 2000, but the pathetic sleaziness of Bill and Hillary Clinton became more than I could stomach. It would have been easy to simply walk into the voting booth and vote for George W. Bush, but I wanted to do more, so I changed parties. My hero has always been John F. Kennedy—I have even taught a class on him for several years. I teach my students about the way he inspired us to reach for greater heights for our country, and the way he stood for peace. In this way President Bush reminds me of my longtime hero. However, I believe JFK would have no place today in the Democratic party—it has become too radical, and too hateful.

Cathy May
Wichita, KS

Spy Games

What did Harry Truman know about Soviet spies in America and when did he know it? Although he fought the Cold War abroad, domestically Truman regarded J. Edgar Hoover as an alarmist and treated Republican complaints about internal subversion as partisan demagoguery. He did, however, implement a sweeping security program for federal employees, and his Justice Department prosecuted Alger Hiss and the Rosenbergs. Even in the later years, though, Truman seemed ambivalent about the seriousness of Soviet espionage.

Several years ago, Senator Moynihan suggested a factor contributing to Truman's attitude may have been that he was not informed the United States had broken into Soviet coded-cable traffic and had highly reliable information identifying scores of Soviet spies. Moynihan uncovered a 1949 FBI memo indicating

that Army Chief of Staff Omar Bradley had decided not to inform the president about the top-secret Venona program. The FBI had told Truman the information contained in the messages, but not that it came from decoded Soviet cables. Given Truman's mistrust of Hoover, this denied the president any assurance that the information was reliable and may have misled him about the seriousness of the problem.

In "The Origins of McCarthyism" (June 30), Robert D. Novak charged that Moynihan got it wrong. Basing himself on *Sacred Secrets*, a book by Jerrold and Leona Schecter, Novak argues that Truman was told that decryptions had unearthed massive Soviet spying as early as 1945 and he refused to respond, motivated partly by disbelief and partly by domestic political concerns. Novak suggests that Truman, not bureaucratic secrecy, bears responsibility for the failure to move vigorously against Soviet spies.

Novak and the Schecters base their claims on interviews, 50 years after the events, with former National Security Agency officer Oliver Kirby. Kirby claims Truman met with General Carter Clarke, who supervised the Army's code-breaking activities, on June 5, 1945, and learned that the cryptanalysts were breaking messages indicating "massive Soviet intelligence operations" although no names were yet available. The president was unimpressed and responded that it sounded "like a fairy story." Kirby also alleges that in 1948 Bradley agreed to keep Truman informed but worried that the president did not understand cryptanalysis. Bradley and Army intelligence officers supposedly met with White House aides to inform them of the progress of Venona. But Truman remained a skeptic, telling Defense Secretary James Forrestal that the decrypts were too partial; he couldn't believe that Roosevelt had been deceived by the people accused of spying, and in any case making them public would ignite a red scare. In 1950, Kirby alleges, Bradley told Truman that both Alger Hiss and Harry White had been identified as Soviet spies, and Truman complained that the news would be a political albatross.

Oliver Kirby claims to have heard all this from General Carter Clarke and to have discussed it with some of Truman's senior aides. The only documentary evidence is White House records indicating that General Clarke met with Truman on June 4, 1945. There is no indication of what they discussed. But Clarke supervised all Army code-breaking. World War II was still on, and he had plenty to tell the new president of far greater immediate importance than Venona.

Moreover, Clarke could not have reported about massive Soviet spying at this meeting. While his code breakers had made progress against the Soviet cables in 1945, they did not yet have any significant readable text. They had broken the one-time-pad additive for a number of messages, a key step, but that only revealed the underlying conventional code, which still had to be broken. Not until the summer of 1946 did Meredith Gardner break enough

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Tying the knot could soon become a tangled web.

If Congress fails to renew the Fair Credit Reporting Act (FCRA), a patchwork of conflicting laws administered by the states would be put in place. The resulting bureaucratic nightmare of red tape would make financing big-ticket items, such as an engagement ring or honeymoon trip, slower and more difficult. A mess like that could make everything from obtaining a mortgage to financing a new car more time consuming and expensive.

That's why Congress needs to protect the national consumer credit system we already have. FCRA established a nationwide, streamlined system of consumer credit that works. It ensures accuracy, fairness and confidentiality for consumers as well as an unprecedented level of choice and service. Find out how that system works for you by visiting our Web site at www.ProtectConsumerCredit.org.

PARTNERSHIP TO PROTECT CONSUMER CREDIT

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of the underlying code to create readable text from the cables. There was no story, fairy-like or otherwise, for Clarke to tell in 1945.

Further, Novak and the Schecters cannot account for the 1949 FBI memo, which reports that Admiral Earl Stone, newly appointed head of the Armed Forces Security Agency, had proposed briefing Truman on the nature of the Venona project but that Clarke had objected strongly. The disagreement then went to Chief of Staff Bradley, who sided with Clarke. If Kirby's memory is correct, Clarke would have been aware that Truman had already been briefed about the project several times and could hardly have been exercised about yet another briefing.

Kirby also told the Schecters that Clarke informed him that early in 1945 Eleanor Roosevelt complained to Secretary of War Stimson about the Army's attack on Soviet cable traffic and General Clarke responded with a warning that he would expose the first lady's actions to the press. He asserts that on General Clarke's orders he briefed House Republican leader Les Arens and *Washington Post* publisher Philip Graham on Venona, Harry Dexter White, and Alger Hiss. And Kirby insists that he privately warned the Bundy brothers that Alger Hiss was compromised.

This is all extremely unlikely. Oliver Kirby had a long and distinguished career with the National Security Agency and its predecessors. His interviews with the Schecters, conducted more than 50 years later, are, however, unsupported by documentary evidence and, in one case, contradicted. Oral history can be treacherous. Chronology gets confused, and people edit their memories in light of what happened later and in conformity with judgments they later adopted. They also have a tendency to portray themselves in a dramatic and favorable light, at the center of events. Oliver Kirby's unsupported recollections do not put Moynihan's conclusions into question. The decision to keep the Venona project under tight wraps and to limit those who knew about it, however defensible as a security matter, had unfortunate policy and political consequences.

HARVEY KLEHR
JOHN EARL HAYNES
Atlanta, GA

PROTESTING PROTESTANT

IT DISAPPOINTED ME to see THE WEEKLY STANDARD feature two books ("Unsocial Gospel," June 30) which, based upon the reviews, seem calculated to divide the conservative movement and suppress the public involvement of evangelical Christians.

The overall thrust of the books as indicated by the review is not new—that Christians ought not to let their faith views influence either their participation or their votes—but it should by now be thoroughly discredited among Christian and economic conservatives. Without the active participation of evangelical Christians and without their votes, "economic-conservative office holders" would be an oxymoron.

Why would you publish a substantially uncritical review of one side of this ongoing argument when you have not reviewed Tom Minnery's excellent and definitive book *Why We Can't Stay Silent* explaining why committed, conservative Christians must be involved?

The fact is that without the hard work and votes of millions of Christians who have chosen not to be silent, there would be no Republican majority in both houses of the U.S. Congress, no Bush presidencies, few Republican governors, and a small handful of statehouses in Republican hands. There would, incidentally, be an even greater degree of mindless socialism, as the filling of these political positions with vastly more leftist politicians took its toll.

Unfortunately, there are nominally "Christian" theologians who hold the views expressed by D.G. Hart in your generally laudatory review by Robert Patterson. Without knowing Hart's personal views, I would note that such theologians often are personally far left, and their objection, when carefully analyzed, is not to evangelical Christian participation in the rights of citizenship but rather to the way we do it, namely, by supporting culturally conservative positions, e.g., traditional values, school prayer, right to life, etc. But, whether or not Hart and Patterson are such hardly matters. What they have written gives aid and comfort to the enemies of the conservative movement.

Hart's unfamiliarity (and Patterson's) with Christian conservative activists is shown by his characterization of James Dobson and Pat Robertson as chiefly providing "entertainment." Apparently the writer and reviewer do not understand that the strength of evangelical Christians rests on a strong Bible-based spiritual commitment to Jesus Christ, and not on "entertainment." This lack of understanding alone establishes their total lack of credentials to make intelligent or worthwhile observations about the "Christian Right." They are apparently so far removed from it as to be incapable of accurate analysis, and their writings in this vein do not deserve THE WEEKLY STANDARD's favorable attention.

I would have expected better of THE WEEKLY STANDARD, and I hope you will redress this wrong in future articles and editorials. Any thoughtful cultural or economic conservative should know that nothing would serve the left better than dividing the conservative movement and suppressing the votes of evangelical voters.

If you want to see the effect of doing so, numerous examples abound in democracies where there is no movement comparable to our Christian conservatives—France, Germany, Italy, Canada, and on and on. Socialism is the inevitable result when the conservative movement loses its heart—which is the cultural conservative (largely Christian) element. We should not be surprised that many of these countries opposed or were queasy over supporting the action in Iraq, thereby manifesting the modern version of "better red than dead"—they could see nothing worth fighting for.

Economic conservatives without the assistance of Christian conservatives in the United States could win few elections and likely could not or would not influence a nation to fight terrorism as THE WEEKLY STANDARD has advocated. If anyone is inclined to doubt that fact, simply look for proof at the positions insisted upon by liberals in Congress. Their views, largely devoid of or hostile to any Christian moral content, are like those of the leaders of France and Germany. When such amoral views are brought to the office of president of the United States, they give us the abominable actions of a Clinton administration.

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Again, I say, I hope you will give voice to a better and broader view of the conservative movement in future articles and opinions.

DONALD PAUL HODEL
Focus on the Family
Washington, DC

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SCHUMER'S SPAM SOLUTION

CHRISTOPHER CALDWELL is quite right in "You've Got Spam" (June 16) that unsolicited e-mail has become an issue that must be addressed, but the do-not-spam proposal put forward by Sen. Charles Schumer (D-NY) to create a national "do not spam" registry is just another example of further criminalizing the actions of criminals. Since a large number of spammers are already engaged in illegal practices (such as violations of laws against fraudulent practices), it is unlikely that they would adhere to a do-not-spam directive.

More dangerously, a "do not spam" registry would compile a comprehensive list of valid, working e-mail addresses—a veritable gold mine for spammers, who now purchase lists from other spammers. The FTC has indicated that it could not guarantee the security of a national do-not-spam list (and doubt its effectiveness). It would only take one disreputable pair of hands to insure that the list becomes available to the entire spam world, free of charge.

Like most issues, spam should be addressed by targeting criminals, not by passing laws that will only affect law-abiding, legitimate businesses. It is unfortunate and surprising that THE WEEKLY STANDARD would advocate such a poorly conceived idea.

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September 12, 2002

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the weekly Standard

Race to the Bottom

We are living in another low, dishonest decade, it seems—at least where the intersection of race and American electoral politics is concerned.

Following the 1990 census, the Republican National Committee—determined to press its partisan interests in forthcoming state-by-state congressional reapportionment efforts, and apparently immune to ordinary human embarrassment—fixed on a plan to resegregate the American voting public, especially in the South. Armed with never-before-available precinct-level demographic data from the Census Bureau, GOP computer experts produced revised state and federal election maps featuring bizarrely contorted boundary lines designed to encompass as many super-concentrated black districts as possible. The theory was simple, plausible, and thoroughly repulsive: African Americans are the Democratic party's most reliable, bloc-like constituency. If they could be isolated in a slightly larger but still-small number of "majority-minority" electoral jurisdictions across the country, then all the remaining, thus-Caucasianized districts would become that much more Republican.

Every major political institution in America acquiesced in or outright abetted this scheme; the embarrassment does not end with the RNC. Civil rights groups like the NAACP and ACLU—insisting that "black political interests" can adequately be represented only by black politicians, whom only black voters can be counted on to support—aggressively promoted GOP-sponsored, race-based redistricting proposals in state after state. During the administration of George Bush the elder, states that refused to embrace such bald-faced, apartheid dogma were subjected to dubious but protracted legal attack—charged with violating the 1965 Voting Rights Act—by the Department of Justice. Which continued to support the so-called "max-black" reapportionment strategy even after Bill Clinton became president—the Democratic party apparently having decided to abandon its marginal white incumbents rather than deny its activist minority base a few more elective-office victories.

And the federal courts? To a great extent, the judicial branch of government signed off on all this cynicism. No, ruled the Supreme Court's "conservative" 5-4 majority in 1995, Georgia, for example, may not enact a redistricting system founded so obviously and exclusively on racial considerations. The Voting Rights Act does not, in fact, require that electoral boundaries be drawn simply in order to expand membership in the Congressional Black Caucus, and the Fourteenth Amendment forbids such nakedly pigment-conscious ploys in any case. But if the pigment-conscious ploy wears the right kind of fig leaf, the same Supreme Court majority would subsequently explain—if the maps can be made to look reasonably neat and sensible, and if a state can muster a straight-faced claim that its new "majority-minority" districts exist only as the coincidental byproduct of some traditionally accepted political enterprise, like unvarnished partisan gerrymandering . . . well, that's pretty much okay. In short: A measure of discretion is necessary, and a thumbs-up from the NAACP is nice, too, but at the end of the day, yes: States like Georgia may transfer their black citizens out of mixed-race congressional districts and into ballot-booth Bantustans at the behest, and for the benefit, of Republican campaign officials.

Those were the 1990s.

Now, a brand-new decade has dawned. And a brand-new census has been completed, triggering a brand-new reapportionment effort. In which effort the Democratic party, no longer confident that trading away "white" swing districts for safe "majority-minority" seats elsewhere in the South is such a wise idea, has adopted what appears to be a brand-new position on "max-black" election-mapping techniques. Democratic regulars, African-American officeholders very much included, now resolutely oppose such stuff, and are everywhere working to reverse its past effects. We might be prepared to applaud them for it.

Except that nothing else has changed, really. A shameless, openly acknowledged racialism still suffuses the redistricting process. Both in principle and in practice, the whole business remains just as cynical, just as dishonest, and just as repulsive.

Take Georgia, again, for example. In the late summer of 2001, that state's Democratic legislature approved, and Georgia's Democratic governor signed into law, revised federal and local election-district maps that systematically shifted "surplus" African-American voters from previously "majority-minority" districts into fairer-complexioned jurisdictions represented by fairer-complexioned—and

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vulnerable—Democratic incumbents. Before this reapportionment could take force, however, Georgia, a state specifically singled out for ongoing federal oversight by the Voting Rights Act, was obliged to seek clearance from Washington. And under Section 5 of the Act, according to governing Supreme Court precedent, it is illegal for Georgia to advance any redistricting scheme that threatens "a retrogression in the position of racial minorities with respect to their effective exercise of the franchise."

Exactly what constitutes the "effective exercise" of aggregated "minority" voting—or how and on what basis, for that matter, federal law might presume to identify preferred "minority" election results—has never been determined. But this much is clear: Election results, not just race-neutral ballot access, are at issue; Georgia may do nothing to reduce the likelihood that "minority candidates of choice" actually *win* their races.

In April 2002, it fell to a panel of the U.S. District Court in Washington—all three judges appointed by Democratic presidents, interestingly enough—to decide whether Georgia's newly enacted state-senate maps passed muster under Section 5. The Bush Justice Department said no. Several previously "safe" districts held by African-American incumbents had seen their black voting-age populations whittled down to bare majority status, a level insufficient to protect "minority candidates of choice," who, the president's lawyers all-but-directly announced, must necessarily be minorities themselves. The court was not prepared to accept such a literal—and vulgar—view of things. But neither was the court prepared to agree that Georgia had carried a required burden of proof that its senate maps were non-retrogressive. "The evidence in this case," the state's attorney general had submitted, "is absolutely uncontradicted that minority voting strength is enhanced by the Democratic strategy . . . to maintain [a] Democratic majority in the Senate." Oh, no you don't, ruled an appalled Judge Emmet G. Sullivan (joined by Judge Harry T. Edwards, sitting in from the District of Columbia's parent circuit court):

"[I]t does not follow that anything that is good for the Democratic Party is good for African American voters—at least, within the context of this court's Section 5 inquiry"—so read the icy, clenched-teeth conclusion of Sullivan's long, meticulously argued opinion. "The court emphatically rejects [this] notion. . . . The Voting Rights Act was not enacted to safeguard the electoral fortunes of any particular political party."

Or was it?

A few weeks back, on June 26, the last working day in its spring term, the Supreme Court resolved Georgia's appeal from Judge Sullivan's decision. Both parties to the suit had offered the justices especially crass accounts of the relevant facts and law. Georgia's plan, the Justice Department complained at oral argument, establishes senate districts in which it's possible "the black vote could swing the balance between a white Republican and a white Democratic candidate." But there wouldn't be a "high enough black population to create a plausible likelihood of electing black candidates of choice"—a legal standard the Bush administration seems to think no white candidate of either party is qualified to satisfy. Nonsense, rejoined Georgia: "Black candidates of choice" and "Democrats" are indistinguishable categories. The state's new senate map "enhances black voting strength because . . . you're shifting the black votes into those other districts, and [the] potential is enhancing, the potential of getting someone the Democrats prefer who happens to be white."

Thereby asked to decide which political party is better for black people, *as a matter of federal law*, the Supreme Court, rather than issue an indignant and richly deserved how-dare-you to all concerned, has punted, smiling on the lurid worst of each side's world. The Court's pro-Republican ruling from back in 1995 is reaffirmed. "In order to maximize the electoral success of a minority group," sayeth Justice O'Connor, on behalf of the same old 5-4 "conservative" majority, a state like Georgia may still choose to create "a certain number of 'safe' districts, in which it is highly likely that minority voters will be able to elect the candidate of their choice," even though "such a plan risks isolating minority voters from the rest of the state"—and, presumably, making Tom DeLay a happy man. Alternatively, however, the Voting Rights Act permits a state to "risk having fewer minority representatives in order to achieve greater overall representation of a minority group by increasing the number of representatives sympathetic to the interests of minority voters." Those would be Democratic representatives, Justice O'Connor points out: All the senate districts into which Georgia proposes to shuffle its African-American playing pieces enjoy Democratic registration numbers over 50 percent.

Incidentally, the High Court's four dissenting "liberal" justices, led by David Souter, side with the Bush administration. But not because they think black people can only "effectively" be represented by black congressmen, you understand. Any old Democrat will do. It's just that Souter & Co. are concerned that Georgia hasn't done enough to guarantee that emigrant African-American voters will receive such Democratic representation in their new, swing districts. A Republican—gasp!—might always win. And the Voting Rights Act, says Souter, demands that "minority voters will have effective influence translatable into probable election results comparable to what they enjoyed under the existing district scheme."

Whatever. *Georgia* v. *Ashcroft* is vacated and remanded to the district court, where the judges must now conduct further proceedings consistent with yet another dismal, racialist retrogression in the law and politics of the United States.

—David Tell, for the Editors

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OPEN SOCIETY AND ITS ALLIES

One hundred years ago, Eric Arthur Blair was born. We know him by his pen name, George Orwell. In his book *1984*, he warned of a future where technology was a force for repression by an ever-watchful "Big Brother."

Orwell's vision did not come true, but today his warning is a timely reminder that America must find ways to counter the threat of terrorism without creating an intrusive surveillance state. Orwell might be surprised to find that technology is emerging as a powerful tool for both improving homeland security *and* preserving individual privacy.

On the morning of September 11, New York City police helicopter pilots radioed to their officers down below that the Twin Towers looked like they would fall. Firefighters inside the towers could not hear the warning, because their radios operated on a different frequency. If police and fire communications had been integrated, crucial minutes and many lives might have been saved.

Later it came to light that various agencies had clues to the intentions of the 9/11 hijackers, but no one connected the dots, in part because of incompatible information systems. Breaking down barriers to make sharing information easier is one of the key challenges in improving homeland security.

The good news is that progress is being made. Increasingly, regional data networks enable police to access many crime databases from a single, secure Web site. Microsoft provides technology for such networks, and we are involved in efforts to build a national network that connects many of the state and federal authorities that participate in homeland security.

We are working continuously to tighten the security of our products, to help protect critical information systems from break-ins as well as acts of cyberterrorism.

Security helps protect against theft of personal information, but security also can be at odds with privacy. For example, making systems highly secure may require that users be identifiable. Our view is that secure systems should keep users informed and in control of how their personal information is used.

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We are working with many partners in the computer hardware and software industries to create a new, more secure base for computing, which will be sensitive to privacy while helping protect against future viruses, hackers and other threats to personal data or digital property.

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All of these efforts reflect our commitment to create tools that help protect individuals *and* the nation. We want to help ensure that 9/11 never recurs, and that 1984 is remembered as just another year.

One in a series of essays on technology and society. More information is available at microsoft.com/issues.

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Another Political Earthquake

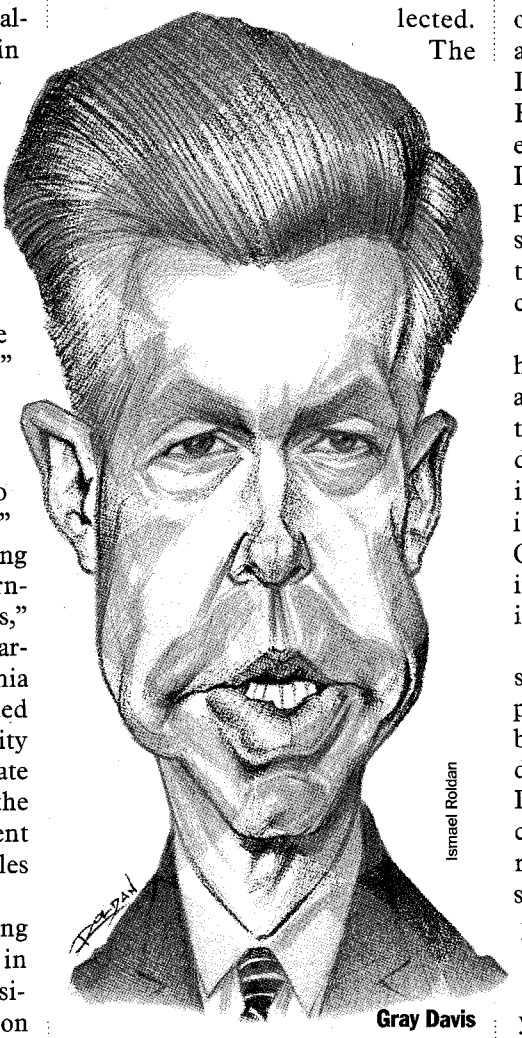
The Gray Davis recall looks like a Prop 13 replay.

BY FRED BARNES

Sacramento

THE MEDIA and political establishment in California hasn't learned a thing in 25 years. In 1978, the *Los Angeles Times* editorialized sternly against the fiscal drain and "chaotic effects" of Proposition 13, the referendum that cut property taxes deeply and touched off an anti-tax wave across the country. Now, faced with a referendum to toss Democratic governor Gray Davis out of office, the newspaper is warning against the "deeper fiscal hole and the partisan political chaos" that may result. A quarter century ago, the *San Francisco Chronicle* declared Proposition 13 "a revolutionary threat, a total threat, to the stability of all government." Likewise, the recall drive is abetting "the dysfunction" of state government. "It's reckless, it's outrageous," the *Chronicle* insists. Democratic party leaders, who dominate California politics, and politically connected elements of the business community say the same thing. "We can't tolerate the chaos," Warren Christopher, the secretary of state under President Clinton and now a Los Angeles lawyer, said.

These arguments aren't working any better now than they did in 1978. The recall effort, like Proposition 13, has risen above its origins on the political fringe and become a populist crusade. This has happened in eight months. Davis was elected to a second term as governor last November, petitions began to circulate in February, and by early July far more than the 897,158 signatures needed to put the recall on the ballot had been collected. The political impact isn't clear, since Davis may fight the recall in court, and, assuming he loses, the vote may not be held until next March. But Democrats are apoplectic and Republicans are hopeful. Already there's growing anecdotal evidence of increased Republican voter registration in California.



Gray Davis

The revolt is not simply against Davis. It's against "a political class horribly disconnected from the rest of California," columnist Daniel Weintraub wrote in the *Sacramento Bee*. "Statewide leaders live in a cocoon where interest group money and political strategists are the only things that really matter." And because of gerrymandered districts, agreed to by Democrats and Republicans, "legislators either don't have to worry about reelection at all or fear only the small chance that they will be outflanked by a candidate of their own party in the primary." This cozy arrangement could be overturned if Davis is expelled from office and a Republican becomes governor. But even if another Democrat replaces Davis, there are bound to be strong political repercussions. So it's not surprising that the recall, as Weintraub put it, "is driving the ruling class batty."

Democrats have a lot to lose. They have an iron grip on the legislature and such a hold on the electorate that Davis was reelected in 2002 despite being wildly unpopular. President Bush lost California to Al Gore in 2000 by a dozen points, though Gore didn't even bother to campaign in the state. But now Democrats are in charge of a sinking ship.

The recall was triggered when the state budget deficit, which Davis pooh-poohed last fall, soared to $38 billion. Davis has failed to fashion a deficit-reduction compromise with Democrats, who loathe spending cuts, and Republicans, who won't raise taxes. And he bears a large measure of responsibility for the budget problem. In his first two years as governor, spending rose 37 percent. Davis has imposed a hiring freeze, yet 44,000 employees have been added to the state payroll. This year, he tripled the car registration tax by gubernatorial decree, adding roughly $150 to the average Californian's tax bill.

Davis has become the symbol of the state's slide downwards. Unresponsive government, high taxes,

Fred Barnes is executive editor of THE WEEKLY STANDARD.

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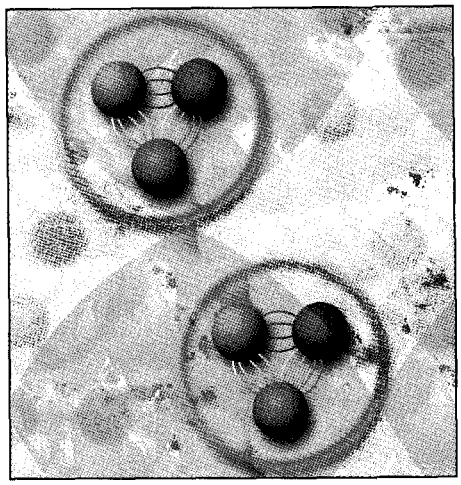

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Steven Pollock (Ph.D., Stanford University) is Associate Professor of Physics at the University of Colorado at Boulder. He has taught a wide variety of physics courses at all levels, from introductory physics to advanced nuclear and particle physics, with an intriguing recent foray into the physics of energy and the environment. He received the Boulder Faculty Assembly Teaching Excellence Award in 1998. He became a Pew/Carnegie National Teaching Scholar in 2001. Professor Pollock is author of *Thinkwell's Physics I*, a CD-based, introductory physics "next generation" multimedia textbook.

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traffic congestion, emigration of hundreds of thousands to nearby states, a poor business environment—these top the list of problems. Just last month, California was cited as "the worst performing state" in an analysis of the finances of all 50 states by *USA Today*. "Today it continues to spend $1 billion a month more than it takes in," the paper said. By one recent measure of test scores—8th grade reading—California's schools are last in the nation. Hence, the feeling that California is broken and the state's political class, especially Davis and his allies, isn't fixing it.

The recall began with two minor figures, Ted Costa and Howard Kaloogian. From an office behind a Krispy Kreme on the outskirts of Sacramento, Costa runs an outfit called Public Advocate. It seeks to put tax-cutting referendums on the ballot. The point of the recall, he says, is to show that "the people in California do not consent to what the governor and the legislature are doing. This offers to California the opportunity to form a new coalition." Meanwhile, Kaloogian, a former Republican state legislator from San Diego, formed his own committee to recall Davis and began circulating petitions.

Populist revolts normally have such humble origins. But to advance to stage two, a successful crusade must begin to attract mainstream politicians. Republican leaders in Sacramento, however, were cool to the recall, with the exception of state senator Tom McClintock, who said the recall was "the most important issue since Proposition 13." The White House was also leery, figuring Bush would have a better chance of winning California in 2004 if an unpopular Democrat was still governor. The critical defection came in May, when Republican congressman Darrell Issa from the exurbs of southern California signed on, set up a third anti-Davis group called Rescue California, and hired a professional signature-gathering firm. California firms were wary of the recall, so Issa had to recruit a Missouri company. It concentrated on shopping malls, where people, including many Democrats, lined up to sign recall petitions. Within weeks, the required number of signatures—12 percent of voters in the prior statewide election—was exceeded. It cost Issa, who made millions in the car alarm business, roughly $1.3 million and made him a credible candidate to replace Davis.

Davis responded in a way sure to backfire. His allies spread stories about Issa's past, including two arrests for car theft 30 years ago in which charges were dropped. The demonization of Issa also included a videotape of a Los Angeles gun show in 1998 that was circulated to journalists. The tape featured Issa, then running for the U.S. Senate, at a booth, and it showed another booth at which Nazi memorabilia was on display. "Somehow, one assumes, this was supposed to 'prove' that Issa was pro-Nazi or something equally noxious, but it had to be the thinnest piece of political propaganda ever conjured up in California," wrote Dan Walters of the *Sacramento Bee*. It confirmed Davis's unsavory reputation as a politician who relies heavily on negative attacks—he once likened Democratic senator Dianne Feinstein to Leona Helmsley—and rarely on positive appeals.

Should Feinstein put her name on the ballot, the consensus is that Davis would be recalled and she would be the next governor.

Davis's other tack was to keep fellow Democrats, and particularly Feinstein, out of the recall. The ballot will ask two questions: Should Davis be ousted? and, Who should replace him? Issa has said he'll pay the $3,500 and get the 65 signatures required to be on the ballot. He's hired Ken Khachigian, a former Ronald Reagan aide, as his chief political adviser. Peter Camejo, the Green party candidate for governor last fall, says he'll run, too. The Greens, by the way, also collected recall signatures. But the five top Democratic officials under Davis—including Lt. Gov. Cruz Bustamante and Attorney General Bill Lockyer—have joined Feinstein in saying they have no plans to run. Polls show Davis's prospects of winning the recall vote are better if there's no Democratic alternative. Should Feinstein put her name on the ballot, the consensus in the political community is that Davis would be recalled and she would be the next governor.

Which bring us to the Democrats' worst fear—a Republican governor. With no Democrat on the ballot, this would be a distinct possibility. A poll by the *Los Angeles Times* found that 51 percent favor throwing Davis out of office. And Issa, suddenly a hero to many Republicans, won't be the lone Republican in the race. Bill Simon, who ran a pathetic campaign against Davis last fall but lost by only five points, is likely to run. Former Los Angeles mayor Richard Riordan, whom Simon beat in the Republican gubernatorial primary, is considering a race, perhaps as an independent. Focus groups suggest he'd be a strong candidate. McClintock may also jump in. He led the Republican ticket in 2002 and was defeated for state controller by 16,811 votes out of more than 7 million cast.

And then there's Arnold Schwarzenegger, who, of course, starred in a movie called *Total Recall*. He's been grooming himself for the past decade to run in California as a Republican. The gubernatorial recall may have caught him by surprise, as he'd been focusing on a possible bid for 2006. But Schwarzenegger has enlisted some of the state's best political operatives, notably George Gorton, for-

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mer governor Pete Wilson's top campaign adviser. He appears ready for the short-notice election, where only a plurality is needed to win the governorship. Schwarzenegger spoke at a rally celebrating the twenty-fifth anniversary of Proposition 13, but he is no conservative. At least he's not a social conservative, having described himself recently to another Republican as pro-gay, pro-abortion, and anti-gun.

The big question is how much the recall movement rejuvenates the Republican party in California, if at all. Some party leaders worry the effect may be to replace Davis with a popular Democrat, who then would be reelected easily in 2006. Issa, for one, disagrees. He says a new Democratic governor would have no more success than Davis in corralling Democratic interest groups and legislators to compromise with Republicans on the budget. Of course, a Republican governor might face the same problem with Republicans. Duf Sundheim, the new Republican state chairman, thinks the recall will help the party, which has been standoffish to the recall effort. "We will work actively to get out the vote," he told reporters last week. Sundheim said he'd try to narrow the Republican field to a single consensus candidate. "If we could agree on one candidate, it would be optimal," he said.

The recall gathered momentum on its own and now presents Republicans with a remarkable opportunity. The more they join the effort, the more they will define themselves as the party of reform. For the recall to reach stage three—the fourth stage is victory in the vote—it needs more support from Republican leaders and donors. Then, what Sundheim calls "a surge" for Republicans in the past few months—6,400 new Republicans in San Bernardino County, a 5-1 registration edge in Orange County, major gains in San Diego County—may become a surge in reality. A populist crusade could do for Republicans what they couldn't do for themselves. And the establishment won't know what hit it. ♦

Perfidious America?

Tony Blair deserves better from America than a medal. BY IRWIN M. STELZER

As Tony Blair heads for America to collect his Congressional Gold Medal this week, he must be thinking, "With America for a friend, I surely don't need any enemies." He gambled that his new friend, George W. Bush, would see loyalty as a two-way street. So far, he is losing his bet.

Britain's prime minister knew that he was taking an enormous political risk when he decided to join Washington in attacking Iraq. The left of his own Labour party was opposed to the war: Many in that faction did not see Saddam Hussein as a threat, others felt that action without U.N. sanction was illegal, and still others were unwilling to back America, no matter what the merits of the issue.

Blair's party opponents number more than the usual gang that the government calls the "awkward squad." If we don't tally the so-called "payroll party"—those members of parliament appointed by the prime minister to government positions that bring extra pay and perks—the antiwar faction claims almost 40 percent of the Labour seats in parliament.

Add to that the one million protesters that turned out for an antiwar rally in February, the largest political march in Britain's history. This mélange of pacifists, anti-Israel Muslims, assorted anti-Semites, Bush haters, and folks genuinely convinced that Britain's interests in stopping the spread of terrorism to their country were ill-served by an attack on Iraq, was too large to be dismissed as of little consequence by a politician with Blair's sensitive political antennae.

But Blair persevered, for the simple reason, as he often told me, that it was the right thing to do—right because Saddam and his weapons of mass destruction (more on that in a moment) posed a threat to world order; right because, as he laid out in a speech in Chicago several years ago, the free world has an obligation to intervene if a local tyrant is committing serious crimes against his own people; and right because it is in Britain's interests to preserve its special relationship with the United States.

Now the political bill is coming due. As Blair prepares to receive his medal and to address a joint session of Congress, his popularity at home has sunk to its lowest level in years. Indeed, polls show that his party now trails even the woebegone Tories, and that the prime minister himself is no longer trusted by the majority of the British people.

In part this is due to the failure of some of his domestic policies: Crime is seen as rising, the transportation system is a mess, the National Health Service shows little sign of improving despite a massive infusion of money, taxes are up. Not exactly a prescription for rising popularity.

But in part, too, Blair's current problems stem from the coalition's failure to find weapons of mass destruction. The prime minister had

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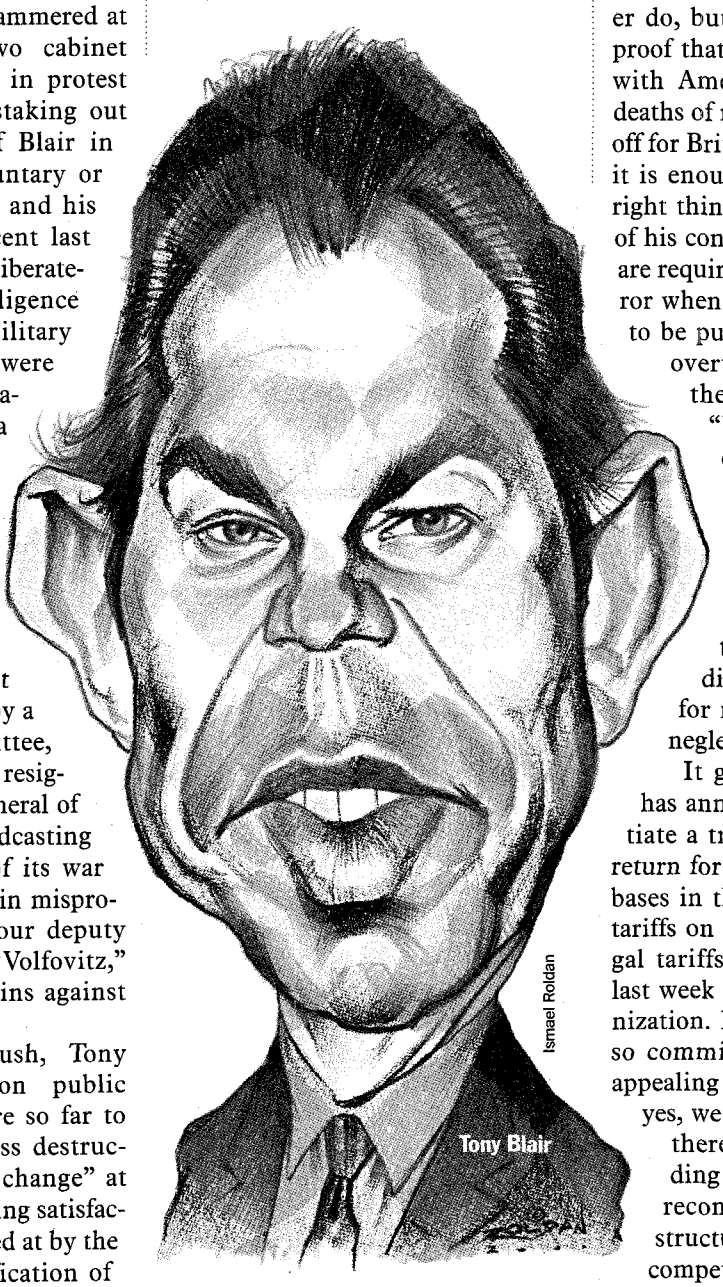
told the House of Commons that Saddam had such weapons, and, in what now seems an unfortunate turn of phrase, the ability to use them against coalition forces on 45-minutes' notice. Although hammered at public hearings by two cabinet members who resigned in protest over the war, thereby staking out positions to the left of Blair in anticipation of his voluntary or forced retirement, Blair and his aides were found innocent last week of the charge of deliberately "sexing up" intelligence reports to justify military action. Those charges were made by a BBC commentator, allegedly based on a single anonymous source within the security services. If the charges of doctoring security reports had been upheld, Blair might well have been forced to resign. Now that they have been rejected by a parliamentary committee, many are calling for the resignation of the director-general of BBC (the Baghdad Broadcasting Company, to students of its war coverage, which persists in mispronouncing the name of our deputy secretary of defense as "Volfovitz," among its many other sins against honest news coverage).

Unlike President Bush, Tony Blair cannot count on public patience with our failure so far to uncover weapons of mass destruction, since the "regime change" at which Americans are taking satisfaction was never even hinted at by the prime minister as justification of his decision to put British troops in harm's way. Worse still, there is considerable public anger at the "friendly fire" deaths of British soldiers, anger that bubbles up even in conversations with Brits friendly to America. (One cab driver asked me, "How come British forces didn't inflict any friendly fire deaths on Americans?")

So Blair returns to America a wounded politician, damaged in part because of his willingness to stick with America. In this sense, his commitment of troops to the Iraq war required greater political courage than President Bush's similar decision. The president had his own party behind him from the start, could count on public anger at the attack on the World Trade Center and the Pentagon, and does not face an electorate enamored of the need for U.N. approval.



Increasingly under pressure from France and Germany to abandon close ties with the White House and surrender control of British foreign and defense policy to the European Union (which Blair says he will never do, but stay tuned), Blair needs proof that the "special relationship" with America, cemented with the deaths of many British soldiers, pays off for Britain. To the prime minister it is enough that he has done "the right thing"; to the more pragmatic of his constituents, tangible rewards are required. So imagine Blair's horror when the first batch of Iraqi oil to be put on the market since the overthrow of Saddam went to the French. And when the "buy American" provisions of our laws were strictly interpreted by administration bureaucrats to prevent British construction companies with long experience in the Middle East from bidding on the initial contracts for reconstructing Iraq's long neglected infrastructure.

It gets worse. The president has announced that we will negotiate a trade deal with Bahrain in return for our use of its territory for bases in the recent war. Meanwhile tariffs on British steel remain—illegal tariffs, according to a decision last week by the World Trade Organization. But the administration is so committed to those tariffs it is appealing the WTO's decision. And yes, we have now announced that there will be competitive bidding for some contracts for the reconstruction of Iraq's infrastructure. But British firms will compete on an equal footing with French companies. A country that stood by us in the face of international opposition will be treated the same as one that hurled all its diplomatic resources into an effort to isolate America and prevent us from pursuing our vital interests.

In short, we seem to know better how to punish our enemies than to reward our friends. Surely Tony Blair deserves better. ♦

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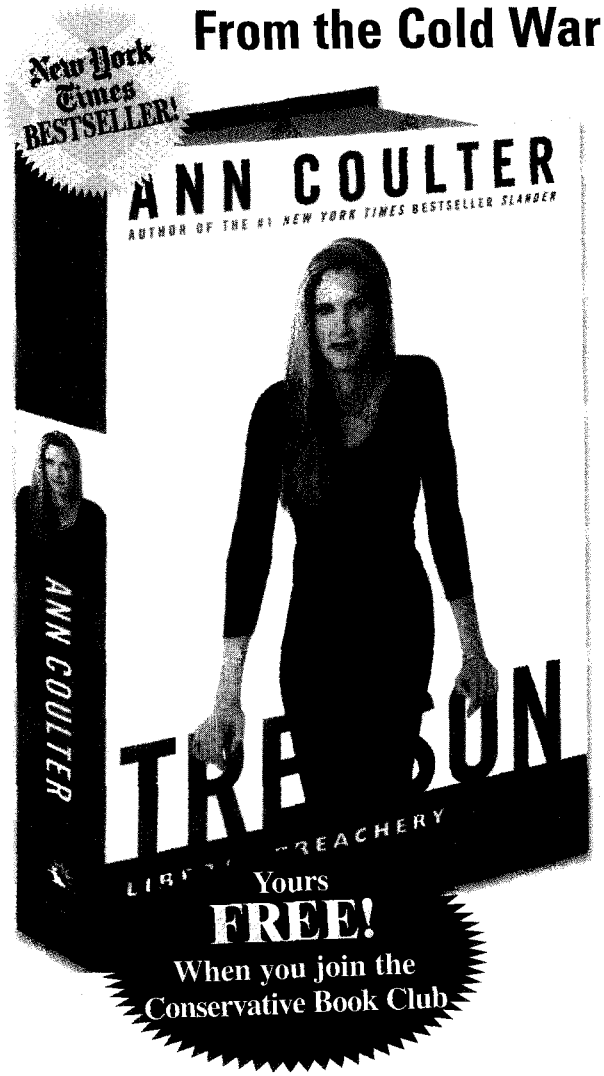
From Ann Coulter: a blistering exposé of liberal treachery against America

From the Cold War to the War on Terrorism



In this stunning follow-up to her #1 *NY Times* bestseller, *Slander*, leading conservative author Ann Coulter insists that liberals leave foreign policy decisions to conservatives. In *Treason*, Coulter contends that liberals have stood with the enemies of American interests in every major crisis from the fight against Communism to today's war on terrorism. Re-examining the 60-year history of the Cold War and beyond—including the career of Sen. Joseph McCarthy, the Hiss-Chambers affair, Ronald Reagan's face-off with Mikhail Gorbachev, the Gulf War, the Clinton impeachment, and Operation Iraqi Freedom—Coulter reveals the Left's shameful record of blindness to, and active cooperation with, the forces of totalitarianism and terror.

"Whether they are defending the Soviet Union or bleating for Saddam Hussein, liberals are always against America," writes Coulter. "They are either traitors or idiots, and on the matter of America's self-preservation, the difference is irrelevant. Fifty years of treason hasn't slowed them down."

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The High Price of Cheap Drugs

The House is tempted by a terrible idea.

BY JOHN E. CALFEE

A VOTE IS IMMINENT in the House of Representatives on whether to vastly expand the importation of prescription drugs from a long list of nations including Canada, all of the European Union, Eastern European nations to be admitted to the E.U. in 2004, Israel, and South Africa. The House vote is an up-or-down one with no opportunity for amendments. It was part of the deal that got a Medicare drug benefit passed by one vote earlier this month. If passed, the House importation measure—which includes the reimportation of drugs exported from the United States—will presumably be a non-negotiable item in the conference with the Senate over a Medicare drug benefit.

The House's importation measure is supported by a bipartisan coalition that wants U.S. prices to match prices in Canada or other nations that control drug prices. This is a pretty radical change, and it merits some careful thought.

Essentially, the coalition wants our drug prices to be set by the PMPRB or one of its sister agencies. The PMPRB, whose full name is the Patented Medicine Prices Review Board, is a creature of the Canadian government. It dictates the maximum price that can be charged for a new drug when it is introduced into Canada. The individual provinces then keep prices from rising with inflation (or with changes in exchange rates), so that prices steadily fall behind free-market levels.

The PMPRB does not work alone. It links Canadian price ceilings to European controls. Each European nation has its own price control system, and there are lots of links among those systems. The Netherlands, for example, sets prices at the average price in Belgium, France, Germany, and the United Kingdom. Portugal demands the lowest price in France, Italy, or Spain. Greece wants the lowest price in Europe, period.

Essentially, the coalition wants drug prices in the United States to be set by the PMPRB, a creature of the Canadian government.

Those price controls prevent innovative pharmaceutical firms from reaping free-market rewards anywhere but in the United States. That is one reason why the world pharmaceutical industry, which 20 years ago was mostly based in Europe, has largely relocated to the United States. American manufacturers now account for 7 of the top 10 worldwide best-selling medicines, and 15 of the top 20. This reflects a large and growing disparity in research and development expenditures. In 1990, European pharmaceutical firms outspent American firms on R&D by approximately 8 billion euros to 5 billion euros ($7 billion to $4.3 billion). In 2000, U.S. firms outspent European firms by 24 billion euros to 17 billion euros ($20.9 billion to $14.8 billion). Even traditional European firms, notably GlaxoSmithKline and Novartis, have moved many of their most essential operations to the United States.

After years of looking the other way, the European Commission is sufficiently alarmed by these trends to propose relaxing price controls in order to rejuvenate its pharmaceutical industry, especially the biotechnology sector.

But in the meantime, a lot of drugs are substantially cheaper in Canada and Europe than in the United States. That is why Republican congressmen Gil Gutknecht and Dan Burton want Congress to pass a law so that drugs shipped to Canada or Europe or South Africa can be imported into the United States for sale at foreign prices.

The law would leave the Food and Drug Administration with almost no authority to check the safety of these imports. Wholesalers would have to do their own testing, but pharmacies and "qualifying individuals" (who could resell to others) would face no such requirement. This bothers the FDA, because it thinks mass importation will drastically increase the traffic in counterfeit drugs. Counterfeits are already a problem even though imports are now only a tiny fraction of what they will be if the House bill does what its proponents want it to do.

Importation advocates don't worry about safety because they think the mere threat of importation will push down prices in the United States by at least 30 percent, according to a recent op-ed by Rep. Burton. They think this is competition and free trade at work. The fact that a group of Canadian or European bureaucrats would be setting drug prices for the entire U.S. economy seems to elude them.

What would this law actually do? For one thing, Burton, Gutknecht, and their allies might not get the low prices they want even if Congress

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passes their law. Prices won't drop in the United States unless foreign drugs really will be imported in large volumes. Importation from Canada alone won't do the trick because the Canadian market is tiny, about 5 percent of the U.S. market in terms of revenues. When Canadian pharmaceutical wholesalers ask Pfizer, Merck, and their competitors to ship them 10 times the usual volumes of Lipitor and Zocor and other blockbuster drugs, with the obvious intention of shipping them right back to the United States, any manufacturer with a decent regard for its shareholders will refuse. Why sacrifice billions of dollars in U.S. sales to maintain sales in a market one-twentieth the size?

If that were the end of the story, events would follow a simple course. Canadian authorities, who understand the importation logic as well as anyone, would have to reassess their price ceilings or leave their citizens short of the best pharmaceuticals. At some point, it would become clear that Canadian drug importation would not bring the low U.S. prices its advocates want, although it might put a good number of patients at risk if importation—including importation of counterfeits—were to ramp up before prices adjusted. Prices in Canada, meanwhile, would rise.

But the House bill is not limited to Canada. There is also France, Italy, the Netherlands, Portugal, and Greece, not to mention Israel and South Africa and soon, Hungary and the Czech Republic, and on and on. That makes for a lot of places from which to ship drugs that can be purchased for a lot less than they cost here.

Two scenarios could play out, one bad and the other worse. In the first scenario, drug manufacturers would again simply refuse to ship huge volumes of drugs to small foreign countries in order for the drugs to be shipped back and cripple profits at home, where the drugs were invented. If that happened (and I think it would), our European friends would probably have a political fit. They would face the prospect of either going without American drugs or raising their own price ceilings—and with them the costs of their fiscally strapped socialist health care systems. From their point of view, the importation plan would be a clever way to force U.S. drug prices on Europeans. They would want very much to prevent that. An international demand for drug price controls in the United States (not just in Europe) would become a centerpiece of international diplomacy. And we might cave in, pushed by the same politicians who want importation.

In scenario two, Burton and Gutknecht would win in the short run. Importation would rapidly escalate to massive volumes from Canada and Europe, maybe from South Africa and elsewhere. The process would resemble the "parallel trade" now engulfing European drug markets as products with Greek or Spanish labels flow to patients in Germany and Britain. Drug prices would drop here, limited only by fears of counterfeiting, dilution, or inadequate storage. Wholesalers, pharmacies, managed care organizations, and other large-volume dealers would feel intense price pressure from the imports, and the U.S. pricing structure would gradually collapse, just as congressmen Gutknecht and Burton now pray and predict.

Either way, price controls would end up suppressing innovation here, just as they have done abroad. It is one thing for the Canadians and Europeans to free-ride on American R&D, but we can't free-ride on ourselves. The system that gave us the drugs the whole world wants would be hobbled just when researchers are finally glimpsing pathways to cures for cancer, Alzheimer's, and other killers.

The hundreds of biotechnology firms searching for these cures would know that if and when one of them discovers the elusive solution that no one else could find, it will face the prospect of price ceilings set by a government agency intent upon cutting costs. Given that the expensive part—all the laboratory work and the years of clinical trials—had already been paid for, the manufacturer of a breakthrough drug would have no choice but to take whatever deal it could get as long as the price covered manufacturing and distribution, without consideration for the expensive failures littering the path to success. The market would understand with perfect clarity that the days of free-market rewards for high-risk-high-payoff research were over. The implications for future drug research are both obvious and depressing.

Congress should dismiss all possibility of these scenarios by rejecting the drug importation legislation. It should not fall into the trap of thinking that as long as controls over U.S. prices were introduced by the government of a foreign country, we would still have a free market. We wouldn't have a free market, and we wouldn't get the benefits of one. ♦

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Why Iraq's Still a Hard Place

The thugs are fighting, the troops are tired, and some doubt our determination—but we're winning.

By Tom Donnelly

Baghdad

Have we won yet? The simple answer from American and British soldiers in Iraq is: Not yet, but we *are* winning militarily. "There are still a lot of a—holes left to kill," is how one senior commander describes the situation. But from a countrywide perspective, security is improving; sweeps with code names like "Desert Scorpion" and "Peninsula Strike" are reducing Baathist redoubts and seem to be preventing outside extremists from gaining much of a foothold. Soldiers believe they are fighting a low-level insurgency, and that time is on our side.

Whether this cautiously upbeat appraisal is correct should become clear over the next month or two. Though concentrated in Baghdad, Fallujah, and the Sunni strongholds in central Iraq, the military operations now are part of a broader campaign with ambitious goals. It is meant to drive the final nails in the coffin of Saddam Hussein's regime—and to prevent major violence on July 17, the Baath party national day—while forestalling significant outside agitation. And there is more: a push to convince the Iraqi people that their lives have been irreversibly changed for the better and that they should begin to take a more active role in the reconstruction of their country.

This generally optimistic assessment is tempered by three concerns. First, the universe of bad guys is in flux. One of the main goals of the current operations is to better define who the enemy is. Baathist diehards are the most immediately identifiable, but there are also borderline Baathists and former Iraqi soldiers and officials who have lost their positions of power and privilege. Among these borderline cases, a number are simply thugs, but even those who might be rehabilitated have no obvious way to earn a living. Iraq's economy was misshapen by oil wealth and Saddam's central control.

This situation has been exacerbated by inconsistency in U.S. policy. The original plan had been to quickly reorganize the army and government pending de-Baathification; these priorities have been reversed, probably to good long-term effect, but not without creating confusion and slowing the start of political reconstruction at the grass-roots level. Whatever the relative claims of justice and public order, the uncertainty of the Bush administration's wishes opens an opportunity for the diehards to make mischief. It does not take much money to convince an Iraqi adolescent to pop a rocket-propelled grenade at a passing convoy. A new political order is also a threat to the traditional tribal order, which Saddam of course manipulated, and to the power of the sheikhs.

Since the fall of Baghdad—and indeed even prior to it—the job of sorting out reconstruction policy has fallen to U.S. and British officers. They are naturally skittish about "nation building" missions, but in Iraq they have no alternative. The military's caution is also fueled by deep skepticism of intelligence passed along by the CIA and "other government agencies" (OGA is the acronym of the moment) prior to the war about the regime's will to resist. But at the tactical level, soldiers, agents, and special operations forces are working hand in glove to weed out local Baathist cells. And a broad assessment of enemy strength and commitment to fight is being built, piece by piece. There is an intelligence value in having military commanders who also must act as the civilian authority: All the local leaders are anxious to come plead their cases—they are in some sense the classic intelligence "walk-ins," and by sifting their stories, it is possible to assemble a three-dimensional picture of what's happening in the Iraqi streets. This makes it hard for outsiders to move in unnoticed. In sum, the current operations should yield a more accurate, bottom-up assessment of the situation nation-

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wide, but until then, making any larger judgments will be difficult. And, of course, the success of the current military sweep operations will go far in shaping those judgments.

A second concern is the fitness of the coalition forces. The units that fought the war, especially the ground war, are deeply tired. The 3rd Infantry Division, the 1st Marine Division, and the core of the British force have been in constant operations—deploying, fighting, stabilizing—for six months or more. Some elements of these units have been in the region, either afloat in the Persian Gulf or "training" in Kuwait, for the better part of a year. Headquarters staffs have been planning and preparing for operations even longer. Fortunately, much of the naval force and strike aircraft have gone home for rest and refitting; however, significant parts of the Air Force, such as cargo and tanker aircraft and intelligence, surveillance, and reconnaissance platforms, are working as hard as ever.

Living conditions in the field are austere, to put it mildly. Headquarters units may be sampling the weird, Michael Jackson-ranch quality of Saddam's palaces, but even there two out of three meals are MREs. Sleeping in the open without a mosquito net has consequences. There's barely enough water to drink—a huge concern as the summer heat begins to peak—and a lot less to wash with. The combination of the fine Iraqi dust and human sweat makes for a grimy paste that is hard to get off in a three-minute shower, especially given the tenuous nature of the Iraqi water system.

Military equipment has also taken a pounding. A substantial number of ground combat systems have sustained damage. There are widespread if anecdotal reports of tanks, infantry-fighting, and other armored vehicles taking multiple hits from rocket-propelled grenades while remaining in action, and those vehicles will require repair. Attack and assault helicopters were peppered with small-arms fire, as in the much-publicized raid against the Republican Guard by Army AH-64 Apaches. The Army's support units, significant parts of which lie in the reserves and have the supplemental mission of enabling the operations of the other services, are putting lots of mileage on their trucks, tankers, and heavy equipment transporters.

Even tactical aircraft, which dominated the skies over Iraq even before the war began, have had operational readiness rates—the technical measure of their fitness to fly in harm's way—a notch or two below those of the first Gulf War, if for no other reason than the aging of the overall fleet in the last decade. The Navy went to extraordinary lengths to surge five carriers and a large fleet of cruise-missile-shooting surface vessels and submarines in time for the war, and the recovery time is certain to be lengthy. And essentially the entire Corps was stripped nearly bare to assemble the Marine expeditionary force; the continuing presence of Marines in Iraq is needed for now, but the Marine Corps is designed for contingencies, not sustained operations.

Reinforcements have been slow to arrive and may still be too few to continue the ceaseless patrolling that makes up the daily diet of forces now in Iraq. The 3rd Armored Cavalry Regiment, 1st Armored Division, and 4th Infantry Division (whose equipment spent so long in boats waiting to get into Turkey and then Kuwait that the commanding general is smilingly saluted as "commodore") have supplemented the war-fighting force and even allowed for the slender beginnings of a rotation system. British replacements have been hampered by the need to provide 19,000 soldiers to offset the firefighters' strike in England. The peacekeeping coalition has expanded to 28 participants, but to what effect is in doubt; the first wave of liaison officers for deploying allies can be found wandering the halls of U.S. headquarters, trying to figure out where to go and whom to see. Some of the coalition will be willing and able partners, some more trouble, at least logistically, than they are worth. Some will want a U.N. mandate, rules of engagement, and rates of supplemental pay. In any case, they will be tested by Iraqi rejectionists who will probe for coalition weaknesses (it was Pakistani forces that were first targeted by Somali militias in Mogadishu in 1993).

American soldiers are increasingly weary in mind and body. The 3rd Infantry Division, in particular, may be a leading indicator of the kind of stresses this war is producing. Not only was the division deployed the longest, but it was first to confront the suicide attacks of the Fedayeen and other fanatics. Though these attacks yielded few American casualties, the slaughter was nightmarish for U.S. soldiers, who had no alternative but to obliterate their attackers. The division also was assigned much of the operation in Fallujah and other nearby towns, where ambushes have been frequent. A soldier on patrol faces the constant prospect of attack and an enemy often indistinguishable from a friendly crowd or street scene. Over the past ten years, military morale has remained surprisingly strong in the face of escalating constabulary duties, but the soldier story now is that the 3rd Infantry is "black"—meaning critically short—on Prozac supplies. During the Cold War, defending the frontiers of freedom usually meant a comfy kaserne in Bavaria, and something approximating normal family life; it now looks like repeat deployments to Saddam palaces stripped of their plumbing fixtures and electrical wiring. It is too soon to know if this portends long-term morale problems, but reenlistment rates in these units will bear scrutiny. Most of all, soldiers would like at least a clearly defined rotational policy and tour length.

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This is the ultimate question about the condition of the U.S. Army: Is it capable of sustaining an occupation of Iraq that will be measured in years? It is possible to be hopeful, even optimistic, about the prospects for political reconstruction in Iraq, while worrying that the military means may not be sufficient to the ends. Defense Secretary Rumsfeld may have been a keen judge of just how large a force was needed to win Baghdad. But the larger victory in Iraq cannot be so quickly or cheaply won.

Which leads to a third concern about the nature of the American commitment to the mission in Iraq. It might seem strange, at this stage, to doubt the determination of a president who took the United States to war despite so many protests, but President Bush's word has often been undercut by a curious administration hesitancy to commit resources that match the rhetoric.

The difficulty in securing the rest of Iraq after the occupation of Baghdad underscores the cheese-paring way in which forces were allocated. Indeed, much of what makes Operation Iraqi Freedom such a remarkable feat of arms is that so small a force accomplished so much. But, save for a lone Marine task force that rapidly pushed beyond Baghdad to Tikrit, the campaign's "catastrophic success"—the collapse of the regime and the lack of a coherent defense inside the city—proved too much even for this superb force to fully exploit in a timely fashion. The march on Baghdad and the destruction of the Republican Guard's combat power from the air knocked the Saddam Hussein regime flat, but not out cold. The pause before the latest round of stability sweeps also gave hope and opportunity to whatever resistance—Iranian-inspired, Saudi-fomented, or otherwise—exists beyond the diehard Baathists.

In sum, Operation Iraqi Freedom was run as a "just-in-time" campaign. That has proved both its great strength and its one significant weakness. Such an approach requires that every judgment of high command be correct and timely. Speed does kill the enemy, as Gen. Richard Myers, chairman of the Joint Chiefs of Staff, has observed, but the fast pace of operations also pressures American commanders to make the right call, every time, on time.

Two examples: The delay in moving the 4th Infantry Division from Turkey to Kuwait while the government in Ankara dithered almost certainly was a major factor leading to the significant operational pause after Baghdad fell. And the halting, even micromanaged, flow of forces into the region also contributed to the difficulties of pushing beyond Baghdad. Preserving options and postponing decisions prior to the war limited options and precluded decisions at a crucial moment during the war.

The piecemeal commitment of military forces is echoed in the piecemeal commitment to reconstruction in Iraq. U.S. administrator Paul Bremer clearly has a larger writ than did his predecessors, but even the most straightforward reconstruction tasks take on twists in Saddam's Iraq. The Iraqi electrical grid, for example, was not wired to deliver power to people's homes efficiently, but designed as a tool for exercising political control, neighborhood by neighborhood. Saddam used it to reward or punish at his whim. Surging electricity to one part of the patchwork system can rob or overload another part of the grid. Thus, "fixing" the electricity in Baghdad, which was never "right" to begin with, is proving more difficult than anticipated.

Nor can other aspects of a Saddamized society be quickly put right. Politically rehabilitated Iraqi police officers still think it is the citizenry's job to come to the station to report crimes; their job is to hang out at the station, drinking tea, until a crime is reported. Indeed, "patrol" cars, which we are providing, are thought to be for the officers' personal and commuting purposes. Iraqi policemen are open to suggestions about how better to do their duties, but reform will be a stationhouse-by-stationhouse process that will demand more outside advisers. Likewise, one of the first acts of Iraqi media workers (government employees) has been to strike for higher pay.

Perhaps most damaging has been the ambiguity about political reconstruction in Iraq. Flip-flops in policy on de-Baathification, on the role of the Iraqi National Congress and other opposition groups, and on the power of the "interim authorities" all raise doubts about the depth of American willpower. The disparate rejectionist elements in Iraq—Saddamists, disgruntled Sunnis fearing the loss of privilege, some Shia parties, outside Islamist agitators—are in some sense jockeying for power in the event of a U.S. retreat. The Americans, they tell their fellow Iraqis, will go home, and we will still be here. It is a potent threat, especially considering uncertainty about Saddam's fate. A lot still rides on showing that the devil is dead.

The forces available to complete the Desert Scorpion tasks in Iraq seem more than sufficient for the crucial period of the next month or six weeks. What happens after that is far less certain. There is no shortcut to creating the sense of security needed to reconstruct Iraq.

Have we won yet? No. We are winning, and it seems we have again aggressively seized the initiative. Yet as the march to Baghdad was only a step toward securing the rest of Iraq and completing the task of removing the regime, so are military operations merely the price of admission to the larger tasks of reconstruction. Whether a military victory will lead to a larger political victory remains a question. There are still a lot of thugs to kill, but the real victory will come when Iraq stops producing new ones. ♦

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The Beginning of a Beautiful Friendship?

The Americans and the Iraqis are getting along better than we've heard.

By Reuel Marc Gerecht

Najaf

"Iraq's chaos gives intervention a bad name," reads the *International Herald Tribune* headline above a Nicholas Kristof column. Traveling through Iraq in mid to late June, the *New York Times* writer found "looters" and "bandits" but, alas, no weapons of mass destruction. Trying to keep some Wilsonian idealism afloat, he feared the Bush administration's "mistakes and poor planning" were "miring America in Iraq . . . [and would] unfairly discredit humanitarian intervention" elsewhere. One old Middle East hand sees an Iraqi population increasingly "emasculated" and "patronized" by American power. The United States—under President George W. Bush, especially adolescent and hubristic—is thus rubbing raw an ancient people and culture, with its ill-managed and ill-planned democratic nation-building. Three months after the war's end the *Economist*, too, finds Iraq frightfully messy. Baghdad is "a city in thrall to fear and violent crime," the British weekly informs us. Indeed, in the entire country "none feels safe."

With rare exceptions, Western newspapers, magazines, TV news, and radio uniformly tell the story of increasingly effective guerrilla movements, random violence, theft, rape, rising religious extremism, Shiite clerical dissatisfaction, Sunni Arab bitterness, antidemocratic tribalism and nationalism, angry and despairing U.S. soldiers, and even more distressed congressmen and anonymous U.S. officials. Poor American administration of the country, per this reporting—as always, most trenchantly expressed by the BBC—is producing an ill-tempered, ever more anti-American Iraqi population whose thankfulness for the destruction of Saddam Hussein's rule is probably ending.

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Indeed, in the opinion of CNN's Middle East correspondent Ben Wedeman, a "divorce" has already taken place between the Iraqis and the Americans. For those historically inclined, echoes of the 1920 rebellion against the post-World War I British administration of Mesopotamia can already be heard. The Americans may have fought a quick, nearly painless military campaign (though while it was happening, many of these same critics found the war quite rough), but the Bush administration is getting its comeuppance in postwar Iraq, for which it had so skimpily and belatedly planned. Even in pro-war neoconservative, conservative, and liberal circles, it isn't hard to find doom-and-gloom sentiments. Are we really teetering then on the edge of the "Big Mess"?

As I walked the streets of Baghdad at night, which in most districts of the city isn't a particularly dangerous thing to do, as I visited mosques and clerics in the Sunni and Shiite lands to the north and south, I picked up a fairly acute case of cognitive dissonance. Reading too much of the Western press before and especially during a visit to Iraq is mentally unbalancing. Though the problems in Iraq are enormous and the isolation of many U.S. officials in the Jumhuriyah Palace headquarters in Baghdad is surreal, neither the country nor its American administrators appeared to be sliding downhill into chaos. In most of Iraq—in the key areas of the country, in the Shiite south, the Kurdish north, and in Baghdad—just the opposite is happening. Productive energy and commerce are slowly returning to the streets, which is impressive given how long it is taking to rebuild a functioning nationwide telephone system. In mid to late June, U.S. officials—for all their clumsiness, lack of language skills, and enthusiastic ethos of "force protection"—appeared to be drawing closer to the Iraqi population, not farther away. This was especially true in the Shiite regions of Iraq, which are essentially everything from Baghdad south.

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The Arab Shiites, who represent at least 60 percent of the population, will either make us or break us in Iraq. And among them, the American administration is by no means cocking it up. With a very small staff—unquestionably too small—a handful of Arabic-speaking officials is successfully building ties to this community, which is slowly, fitfully, and still quite timidly developing political legs to stand on. At the American headquarters in the town of Hilla, which is where the front-line administrators reside for the southern Shiite zone, a small cadre is learning the ABCs of the Shiite community. This isn't at all an easy task, and could not have been done before the Anglo-American invasion, since the Shiites themselves are only beginning to understand their own post-Saddam identity. There is no reference work through which a U.S. official could have acquired the slimmest working knowledge of who the Iraqi Shiites really are. The American team at Hilla, led by an intrepid Arabic-speaking foreign service officer who operates wisely with minimum security, is doing the ground-breaking, democracy-building spadework of figuring out what is the real power-matrix among the Shiites. The team is slowly compiling a useful understanding of the Shiite tribes, which will inevitably produce, once the tribal leaders themselves determine the number and relative loyalties of their followers, more than a few of Iraq's future key parliamentarians.

Iraqi Shiite politics are likely to be complex and contradictory, reflecting the diverse nature of the Shiites. This diversity will probably work in favor of democracy. Knowing how the Shiite equation will likely balance is certainly as important for America's future in the country as the reliability of Baghdad's poorly constructed electrical grid, on which many journalists seem to believe hinges America's fate in Mesopotamia. (As a rule, the lack of air conditioning makes Western journalists politically more cranky than it does Shiite clerics or young men living in Baghdad's Shiite slums.) Most critically, in the Shiite holy cities of Najaf and Karbala, Arabic-speaking American officials from Baghdad and Hilla are slowly but surely improving their access and communication with Iraq's great clerical families, who compose the Howza, the seamless but hardly unified body of senior religious jurists resident in Najaf, Iraq's preeminent Shiite town.

This improved communication does not necessarily make the dialogue happier—the differences in style and objective between American officialdom and the various Shiite religious players are sometimes substantial—but it does ensure that grievances, preferences, and orders are understood more clearly. And it means that personal politics—the long, shoes-off, derrière-to-the-carpet conversations that give depth and honesty to professional relations—become stronger. After spending several days talking and dining with numerous clerics aligned with Najaf's two most influential grand ayatollahs, Ali al-Hoseini as-Sistani and Muhammad Said at-Tabatabai al-Hakim, I couldn't see at all a desire on their part for a divorce. Yes, some complained of American heavy-handedness and ignorance in the national and, more acutely, local administrations. Some but by no means all were worried about "street morality" in Najaf and Karbala, fearing that the American presence might provoke a little too much independence and sartorial free expression among Iraqi women. And some were worried that the Americans might develop a "British mentality," publicly embracing the idea of Iraqi democracy but privately working to undermine the right of the Shiite majority to gain the upper hand politically. But I didn't meet a single cleric in this crowd who really wanted the Americans to leave right away. Many clerics clearly understood that the United States *needed* to remain in Iraq at least for two or three years. Scratch through the nationalist pride and sense of Islamic honor—and the two are tightly welded together among the Shiite *ulama*—and there was often a real foreboding within the clergy that the United States wasn't going to interfere *enough* in postwar Iraq. That is, that the United States wasn't going to annihilate the old Arab Sunni Baathist order.

One can find in Washington Iraq analysts who believe that the Iraqi Shiites are quite content to lie back and let their Sunni Arab compatriots bloody the American occupiers, destroying patience and popular support back home. Yet on the ground in Iraq this view makes no sense. If the Bush administration has made one giant strategic error so far in Iraq, it was the decision by the Pentagon to ease up on the Sunni backbone of Saddam Hussein's regime once Baghdad fell in early April. (Secretary of Defense Donald Rumsfeld's decision to reduce the number of military police was unquestionably a serious mistake, but it is of much less significance than the Pentagon's failure to treat the Arab Sunni regions as hostile territory that needed to be thoroughly pacified by combat troops.)

Saddam's triangle—the Sunni Arab zone stretching from Baghdad west to Ramadi and north to Mosul—was not methodically invaded once Saddam's loyalists gave up and faded away in Baghdad. No serious attempt was made to march through the area, town by town, searching for Baathists and senior military, security, and intelligence officers. Having unwisely chosen not to equip the American military with a larger number of Iraqi auxiliaries—the Iraqi National Congress, among other exile groups, was urging this approach months before the invasion—the U.S. military didn't have the eyes and ears to move quickly

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and forcefully against the remnants of the regime. It also appears to have believed it just didn't need to. Baghdad fell with a whimper. The ruling Sunni cliques appeared to be exhausted. Contrary to so many left-wing and European depictions of the United States under George W. Bush, Americans in general, and military officers in particular, don't like using their power. Americans just don't like to thump on foreigners, even when they are palpably of the worst order. The Shiites, particularly Najaf's clerics, have been watching America's actions vis-à-vis the Sunnis closely. They emphatically understand that unless the old Sunni power structure is completely emasculated, the survivors from the *ancien régime* will inevitably try to kill their way back to power, leaving dead Shiites, as well as dead American soldiers, in their wake. The credibility of American power in the eyes of the Shiites hinges first and foremost on whether Washington is willing to sustain the causalities for as long as it takes to reduce the violent Sunni opposition to Washington's new order.

Throughout the Shiite regions of Iraq, there is probably not a single mosque that isn't plastered with dozens, often hundreds, of little notes about and pictures of still-missing loved ones. Add up the *fatwas*, the juridical decisions of Iraq's senior clerics, aimed at the "patronizing" Americans and they are very few compared with those that attempt to answer the awful, compelling questions about what to do religiously with mass graves and unidentified body parts. The Shiites will undoubtedly give us time to correct our "Sunni" mistake; the Shiite clergy have no desire to fight a battle themselves against the Sunni hard core, a battle they probably believe they'd lose, given the preeminence of military training among the Sunni Arabs. And they have so far shown no desire to cut any deal with the old Sunni order in an effort to remove the Americans from their soil sooner rather than later. The Shiites have no military power beyond the Badr Brigade of Muhammad Bakr al-Hakim, the famous Iranian-aided wayward member of the al-Hakim family of Najaf. The four grand ayatollahs of Najaf have so far shown no intention of elevating the political capital of Muhammad Bakr or the potential power of the military wing of his Supreme Council for the Islamic Revolution in Iraq (SCIRI). Indeed, contemplating the future without the Americans is probably very unpleasant for the Howza. There are still numerous scenarios worse than a "lengthy" U.S. occupation.

The American administration in Iraq certainly realizes that it paid too little attention to the troublesome potential of the Sunni establishment behind Saddam's power. The American military is now much more aggressively searching for its enemies in Saddam's triangle. Though the Shiites, particularly the prickly mullahs of Najaf, may not publicly thank the Americans for these aggressive actions against the old order, they undoubtedly

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Friday prayer in Najaf

Reuben Sprich / Reuters

now view the occupation forces more fondly. Contrary to what has already become accepted wisdom, the increasing casualty rate among American soldiers is a sign, at least in the eyes of our sincere and de facto Shiite allies, that things are getting better, not worse. The ties that bind us and the Shiites are getting stronger, not weaker.

Iraq will likely continue to produce migraines for its American administrators and for Washington's foreign-policy officials who must track and ultimately approve U.S. actions in the country. The hardest test for them will be whether they can quickly learn from their errors, or accurately assess the pivotal sentiments of the Iraqi people. If U.S. officials see that, for example, an Iraqi town or city is functioning normally, without violence toward U.S. soldiers or local strife, there is no reason why curfews cannot be made more lenient. In most places in Iraq, outside of Saddam's triangle, things *are* calm. An 11 P.M. curfew, which seems to be standard throughout much of the country, does not sit well with many in the summer months, when the heat induces rest in the afternoon, and evening prayers don't end until past 10 o'clock. Small changes by the American administration like lifting or modifying the curfew in peaceful areas can have enormously beneficial repercussions.

This self-correcting disposition appears to be present, if not always dominant, among Americans in Iraq. Among the few highly talented Arabic-speaking civilian administrators who are quite literally responsible for the United States' future in the Middle East, it appears to be the working creed.

Yet the State Department and the Central Intelligence Agency have produced woefully few first-rate Arabists. The collapse of this profession parallels the deterioration of Islamic and Arabic studies in the American academy, which in any case often disdains government service for its graduates. The United States must now bear the price for this long-standing delinquency. The American administration in Iraq has already searched and depleted the benches of the Near East Bureau at the State Department in Washington. It would be a very good idea if the department and the CIA now stripped U.S. embassies and consulates of their fluent Arabic speakers for assignment to Iraq. As important as these individuals may be to the various missions in Yemen, Egypt, or Algeria, their presence in Iraq would be vastly more important to America's future in the region. The State Department ought to embrace this responsibility and start playing for keeps.

Despite an unsteady postwar beginning by the Bush administration, things in Iraq could be vastly worse. But we ought to prevent the worst case by crushing the hard-core Sunni Baathist opposition and transferring as soon as possible much-needed Arabic-speaking, culturally savvy personnel to Iraq. We and the Iraqis still have a better than decent chance of creating a functioning democracy within a few years. This process undoubtedly won't be pretty. For the Americans in Iraq, it may occasionally seem to be hell on earth. In the long run, however, the United States and the fractious, often peevish, "ungrateful" Iraqi people could give enormous hope to the politically retrograde Middle East. In the meantime, the BBC can be counted on to keep us apprised of all the little ways in which we are failing to fulfill our mission. ♦

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Better Safe Than Sorry

Post 9/11, the Bush administration has mostly gotten it right.

By Amitai Etzioni

The Bush administration is incessantly criticized, and not only from the left, for a variety of safety measures it introduced in the wake of the 2001 terrorist attacks. Senator Patrick Leahy, for example, said in November 2001, "We don't protect ourselves by bending or even shredding our Constitution." And a *New York Times* editorial the same month claimed that the president "is eroding the very values and principles he seeks to protect, including the rule of law." Almost daily, someone bemoans the "death of privacy" or the rise of the "surveillance society."

The administration has chosen not to respond to most of these allegations, and when it has responded, it has tended to be tone deaf. And whatever one thinks about mining private data banks to identify suspicious patterns of activity, calling a program designed to do this Total Information Awareness (TIA) only played into the critics' hands.

A careful examination of the new homeland-protection policies finds that they are not all cut from one constitutional, legal, or ethical cloth. Many were overdue when they were finally enacted in the wake of 9/11; several others are also quite reasonable; a few raise troubling questions; and at least one useful innovation the administration has yet to adopt.

Before any Cook's tour of the major new measures can begin, a few general points are in order. The key question is often framed as: How far should we be willing to sacrifice our individual rights in order to enhance our safety? But it's a mistake to think of homeland security as a zero sum game, where 100 percent of the turf belongs to rights, and every new safety measure amounts to an intrusion to be justified. To realize how prejudicial this approach is, ask the opposite, equally loaded, question: How far should we be willing to sacrifice our security in order to enhance our rights?

At the heart of the matter is the observation that under the Constitution, no right is absolute. Indeed, protecting the public interest—especially the public safety—is as legitimate as protecting individual rights. Thus, the Fourth Amendment states, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated. . . ." That is, the Fourth Amendment recognizes that some searches are *reasonable*—those deemed to serve a compelling public interest. They do not violate anyone's rights, because the Constitution never gave anyone an absolute right not to be searched.

There is a considerable legal literature about what is "reasonable," with many differences of opinion. By and large, it comes down to an admittedly vague notion: what a reasonable person would consider reasonable. One thing, however, is not in doubt: Much of what was unreasonable before 9/11 ceased to be so that morning.

Measures that were overdue. Many of the new safety measures simply bring the law into line with technological developments. These should have been introduced years ago. The most important of these changes involve the Foreign Intelligence Surveillance Act (FISA), enacted in the faraway days of 1978. FISA provides guidelines under which a federal agent can obtain authorization to conduct surveillance for "foreign intelligence purposes." These purposes include protecting Americans from acts of foreign powers, occurring within the United States, or their agents (such as terrorists), whether foreign or American. A major tool of surveillance is the wiretap.

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Historically, a wiretap was authorized for a given phone, usually the phone in the suspect's home or office. In recent decades, people have acquired multiple phones, cell phones, and e-mail, but federal officials conducting surveillance under FISA could not follow a suspect as he moved from one instrument to another—not without a separate court order for each communication device. The USA Patriot Act, enacted in October 2001, amended FISA to allow "roving surveillance authority," making it legal for agents to follow the suspect whatever instrument he uses.

Unless you believe that terrorists are entitled to benefit from new technologies but law enforcement must not catch up, this measure is entirely reasonable. Moreover, the critics' claim that surveillance orders are promiscuously granted simply doesn't stand up. Nearly 40 million foreigners visit the United States each year, according to the Commerce Department, yet the FISA court issued little more than 1,000 surveillance orders in 2002—after 9/11— Attorney General Ashcroft reported to the Senate Judiciary Committee in March 2003.

Believe it or not, before 9/11 the regulations that allowed authorities to trace e-mail were interpreted as requiring a court order from every jurisdiction through which a message traveled.

Believe it or not, before 9/11 the regulations that allowed public authorities to record or trace e-mail were interpreted by Department of Justice lawyers as requiring a court order from every jurisdiction through which an e-mail message traveled. This was a holdover from the days when phone lines were local; warrants for phone taps were granted by local authorities and had only a local reach. But today, e-mail messages zoom around by a variety of routes. Now, thanks to the Patriot Act, nationwide tracing and recording orders are permitted under FISA. That is, law enforcement authorities may finally catch up with the technological features of e-mail. Anybody who sees a civil rights violation here should have his vision checked.

Few changes in the laws and regulations after 9/11 have raised more ire than new Department of Justice guidelines permitting the FBI to conduct surveillance of political and religious organizations. The new guidelines, introduced in May 2002, state, "For the purpose of detecting or preventing terrorist activities, the FBI is authorized to visit any place and attend any event that is open to the public, on the same terms and conditions as members of the public generally." Civil libertarians are still fixated on the fact that more than a generation ago the FBI infiltrated some fringe groups (such as the Ku Klux Klan and the Black Panthers) and tapped the phones of civil rights leaders like Martin Luther King Jr. But that was a different FBI, one run by J. Edgar Hoover, accountable to no one, feared by presidents and legislators because of files Hoover kept on their personal lives and because he succeeded in building a public cult around himself. The reforms of the mid-1970s barred FBI agents from so much as attending a public event or entering a public space to observe the goings-on there unless they were investigating a specific crime.

The absurd result was that agents charged with protecting a community were unable to inform themselves firsthand about inflammatory elements in its midst. In particular, terrorists could meet and recruit in places of worship without any fear of being overheard by public authorities. As it turned out, the danger was far from theoretical. A score of people were recruited at mosques in Britain to fight with the Taliban, and some of the 9/11 hijackers were recruited at a mosque in Hamburg, according to German security sources. Since 9/11 several American mosques have been investigated for links to terrorism, including two in the Seattle area and one near St. Louis.

Before 9/11 a Chinese wall separated intelligence agencies, such as the CIA and National Security Agency, from law enforcement, above all the FBI. As Attorney General Ashcroft put it in his July 2002 testimony before the Senate, "A criminal investigator examining a terrorist attack could not coordinate with an intelligence officer investigating the same suspected terrorists." The barriers between agencies, Ashcroft said, prevented cooperation and coordination. Michael Hayden, the director of the NSA, told a recent meeting of the Council on Foreign Relations in Washington that his staff were repeatedly drilled in not sharing "raw information" (which included names and addresses and other identifying marks) with anybody.

Since 9/11 the walls dividing the intelligence collection and law enforcement agencies have been largely removed. A major factor was a 2002 ruling by the FISA court that permitted information-sharing between intelligence agents and criminal investigators under FISA. And a new culture is being fostered, one that puts a premium on the very collaboration that once was avoided. Turf battles have not disappeared, but there is a growing appreciation that the enemy is not the other agency, but

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bin Laden and his followers. Attorney General Ashcroft is rhapsodic about the new culture, describing it as "capable of adaptation, secured by accountability, nurtured by cooperation, built on coordination, and rooted in our Constitutional liberties." Even without such Hollywood music in the background, it is good to know that now, as a rule, the left hand is allowed to know what the right hand has found out.

MEASURES THAT ARE REASONABLE AFTER 9/11. A few measures that arguably were not needed before 9/11 are now slowly, woefully slowly, being introduced. Prominent among them is a tracking system for foreigners who come to the United States to study. Before 9/11 the United States did not check whether those who came to the country for a defined period of time, say on a student visa, left at the end of the period. Many did not leave, but there was no way of knowing who they were or what they were up to. Actually, a partial tracking system with a mouthful of a name, the Student and Exchange Visitor Information System (SEVIS), was mandated by Congress as far back as 1996, but widespread opposition from colleges and civil libertarians prevented its implementation. No funds were appropriated until the passage of the Patriot Act. The new Internet-based student tracking system requires colleges to verify whether the students they are expecting actually show up. The system is plagued with technical difficulties (when many colleges sign on, the computer system slows to a crawl), procedural delays (to participate, a college must be certified by the INS), and political opposition (several deans of students complain that they are being made to spy for the government). And colleges fear scaring off foreign students, who often pay full fare.

Given that several of the hijackers came to the United States on the pretext that their purpose was to study, and given the large number of students from the terrorists' countries of origin, the tracking system is fully justified. Once debugged, SEVIS should entail minimal bureaucratic burdens; the scrutiny, moreover, falls upon people who are not Americans and who have come here of their own free will, knowing in advance that they would be tracked. Indeed, some kind of tracking system is in place in many democracies. In several E.U. countries, for instance, aliens who relocate are required to register with the local police within 30 days. In the age of international terrorism, some tracking capability is needed so security forces can do their job.

The most important change in law enforcement since 9/11 is that the FBI has shifted its focus from prosecution to prevention. This policy shift comes from the White House. It reorients the agency from collecting information after a crime has been committed to stopping terrorist attacks before they take place. The reason the shift is portentous is that, while prosecution deals with suspects, prevention often entails stirring the pot in the belief that something in it needs to be disturbed. In such cases, a considerable number of people who are not themselves suspected of any wrongdoing may be put through some kind of wringer in order to try to upset a plot that authorities have reason to believe is being hatched.

Thus, in late 2001, on instructions from the Department of Justice, U.S. attorney's offices throughout the nation sent letters to some 5,000 men who had come from countries where al Qaeda is present or active and who had entered the United States on nonimmigrant (work, tourist, or student) visas, requesting that they present themselves to be interviewed. The purpose of the interviews was to solicit information the government might use in thwarting attacks. Also, it was assumed that there were probably some bad dudes among these men, and that interviews might help ferret them out or scare them into leaving the country. In March 2002, Attorney General Ashcroft reported that the interviews had been productive, saying they "provided us with a number of leads which we think to be very important, and helped us establish relationships with individuals in a number of communities in this country that can be helpful to us in terms of information." Hence, a similar dragnet was cast in early 2003, when, according to the Justice Department, the FBI interviewed nearly 10,000 Iraqis in the United States. These interviews, the FBI revealed, "resulted in 250 reports that provided information on possible weapons production, storage and underground facilities."

Some may wonder what the guardians of civil liberties are upset about: Why shouldn't the government interview people? The answer is that these investigations are an intrusion on thousands of people, suspected of nothing, who would rather not spend their afternoon being interrogated in an FBI office. Moreover, a Department of Justice official explained privately that anyone who declines to be interviewed or simply to show up becomes a suspect and may well be brought in for interrogation.

These are steps the United States would not take in normal times. They are a price we must pay—and not a trivial one—to minimize the likelihood of terrorist attacks in our midst.

MEASURES THAT REMAIN TROUBLING. Still other new measures raise difficult questions. Some of these policies have already been modified. Others have been abandoned. Still others, appropriate to

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our new security environment, should be retained but with enhanced provisions for accountability.

¶ **Military Tribunals.** There is a clear need to avoid disclosing our intelligence sources and methods in open court—so much so that in several instances, an American charged with espionage has been allowed to bargain down the sentence to avoid his pleading not guilty, which would necessitate a public trial. Terrorists should not be allowed to benefit from a right to demand a public trial. Nevertheless, there did appear to be cause for concern when the White House announced in November 2001 that under some circumstances, civilians might be tried before military tribunals. The procedures to be used were left vague; the implication seemed to be that the death penalty could be imposed by a mere majority of the tribunal and that there would be no opportunity for appeal. In March 2002, however, the Pentagon clarified the matter, announcing that a unanimous verdict will be required for the death penalty, that most proceedings would be open to the press, that defendants would be eligible for military lawyers at government expense, and that suspects would be presumed innocent until proven guilty. The rules also provide for appeals through the military, specifically review by the military Court of Criminal Appeals, the Court of Appeals for Armed Forces, and the Supreme Court. These are welcome clarifications. Still, military tribunals should be used as sparingly as possible. Up to this point, their use has been avoided.

¶ **Eyes and Ears.** Operation TIPS (the Terrorist Information and Prevention System) was proposed as part of Citizen Corps, the voluntary service the Bush administration introduced following the president's 2002 State of the Union address and through which Americans can help protect the homeland. TIPS, as conceived by the White House, was to serve as "a nationwide mechanism for reporting suspicious terrorist activity." Americans would report questionable activities they encountered by calling a hotline. To many, it sounded as if people were being asked to snoop on one another, as if every mailman, meter reader, and UPS driver might be peeping into one's living room and reporting whatever he deemed odd. If such a program had been implemented, it would have fueled enormous mistrust among Americans. It also would have been truly unreasonable, generating millions of false reports that would have overloaded authorities already afraid of being blamed for missing some genuine warnings of terrorist preparations.

Fortunately, TIPS, with its overtones of invasion of privacy, was killed in a little-known provision of the Homeland Security Act. It should be noted, however, that other programs continue to invite people to report suspicious activity they observe in public places. In the spring of 2003, for instance, New York City introduced the slogan "If You See Something, Say Something" to encourage people riding the subway to keep their eyes open. And New York State maintains a hotline introduced in September 2002. Such measures should be evaluated by an independent analyst to determine whether they yield sufficient leads to justify them.

¶ **New Powers: New Accountability?** In addition, the government has acquired a whole slew of other new powers since the first attack on the World Trade Center in 1993. None of these is small potatoes; together they amount to a considerable shift in the balance between security and individual rights. Public debate often focuses on whether these new powers are needed. I take it for granted that they are called for, given the new level of threat; the issue is whether their application is being adequately supervised.

One of these new powers, enacted in 1994 and extended in 1996, is the ability to charge someone with the crime of providing "material support" to terrorists. "Material support" is a broad category that includes money, training, expert advice or assistance, and false documents or identification. Making a donation to the Holy Land Foundation of Richardson, Texas (which claims to support charitable work but actually provides support to Palestinian terrorist groups), for instance, can land a person in jail—whether or not he knew the true purposes of the foundation.

Also, since 9/11, new "sneak and peek" legislation contained in the Patriot Act allows authorities, with a court order of course, to search a home in connection with a terrorism investigation without notifying the homeowner, as required by a normal search warrant. Under the Patriot Act (Section 215), business records and computer hard drives, including those of libraries, can also be searched, with a court order, in connection with a terrorism investigation. Furthermore, an American citizen can be declared an "enemy combatant," depriving him of many of his constitutional protections. This has happened in precisely two cases. President Bush declared Jose Padilla, suspected of planning a "dirty bomb" attack with al Qaeda, an enemy combatant. Yaser Hamdi, who was born in the United States, but spent most of his life in Saudi Arabia, was captured on the battlefield in Afghanistan.

Critics view these new powers as threatening our democracy. As I see it, these powers are neither dangerous nor reasonable per se, but dangerous if employed without close scrutiny, and reasonable if properly supervised.

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Some oversight is built into the structure of federal agencies, including law enforcement: Supervisors are supposed to watch what their subordinates do, and Congress is meant to provide another layer of oversight. Then there are the courts. It is encouraging that those new security measures that have been reviewed by appeals courts have, by and large, been upheld. Another source of accountability is the inspector general of the Justice Department. Indeed, last month he issued a report that criticized the ways the FBI dealt with some of those detained on immigration offenses in the months after the terrorist attack. Nevertheless, even this multilayered set of safeguards is by no means foolproof—as we were reminded by the FBI scandals in Boston, where agents protected mob informants in the 1990s and warned a mob boss that he was about to be arrested; he is still on the lam.

The good news is that some new measures of accountability have been put in place alongside the new powers. Thus, the Homeland Security Act of 2002 provides for an officer whose job it is to protect privacy and another whose job is to promote civil rights and liberties. It is too soon to tell how effective these officers will be. Either way, I believe Americans would welcome heightened scrutiny of the way these powers are exercised.

Further, accountability might take the form of review by a panel of judges similar to the FISA court. Such a panel could regularly examine the cases of Americans charged under the new powers. It could meet in closed session and release its findings to the public in summary form. For instance, it might report that, say, suspects were held appropriately in 80 percent of the cases under review; in another 15 percent of cases, more information was needed (bureaucratese for "We have doubts about some aspect of these cases"); and in the remaining 5 percent, the detainee must be released forthwith. I focus on Americans because noncitizens have fewer rights than members of our national community. Which rights noncitizens are entitled to and how those rights are to be safeguarded requires a separate examination.

PROBLEMS NOT YET ADDRESSED. Many provisions of the Patriot Act expire in 2005. Some of them the Justice Department and Congress are seeking to extend one at a time. For instance, in May, the Senate passed what is called the "Moussaoui-fix" bill, which would allow law enforcement to conduct surveillance of "lone wolf" terrorist suspects. (Currently, association with a known terrorist organization must be documented.)

Another safety measure deserves the attention of Congress: more reliable means of personal identification. The usefulness of watch lists, airline passenger profiles, student tracking systems, and dossiers on suspects is greatly impaired as long as people can readily obtain false identification (typically driver's licenses) or steal someone else's identity.

This is no small matter. Driver's licenses are a de facto national ID card. Although they are issued by states, each state honors all the others'. People are regularly required to present their license (or some other document, such as a green card) when they fly, drive, or enter numerous public buildings and quite a few private ones. Whatever loss of anonymity and privacy is involved, law-abiding Americans have already suffered it. But as long as terrorists and other criminals can readily obtain false or fraudulent driver's licenses, many new security measures are undermined. Hence, we need to make driver's licenses meet a basic standard of reliability, as the American Association of Motor Vehicle Administrators has recommended. Bipartisan bills to this effect were introduced in the 107th Congress—one by representatives James Moran and Tom Davis; the other by senators Dick Durbin and John McCain—but garnered little support. The administration should back the effort to make driver's licenses tamperproof and uniform across the 50 states.

The world has changed, and we cannot afford to pretend that any recalibration of our rights in view of our new need to defend the United States at home amounts to an attack on the Constitution. This is not to say that we should mindlessly consent to any innovation introduced in the name of safety. Societies have no precise control mechanisms; they tend to oversteer. Hence, significant corrections in the delicate balance between public safety and individual rights typically require their own corrections. After 9/11, there were good reasons to rush through legislation expanding government authority, given the fear of imminent follow-up attacks by sleeper cells. Now is the time to revise and fine-tune these measures.

When all is said and done, most of the measures that the Bush administration has launched since 9/11 are reasonable and necessary. Others may well be necessary, but call for close supervision by Congress to ensure that the government does not yield to new temptations. Regrettably, there still are some pressing security needs, above all in our ability to reliably identify people, and in that area the government needs more, not less, authority. ♦

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Mike Nichols and Elaine May

Pantheon

Stand-Up

By Joseph Epstein

In seventeenth-century England, writes Adam Nicolson in *God's Secretaries*, his book about the making of the King James Bible, "'renaissance' was not a word that was known or used." "Renaissance" is not a word I would have thought of, in the late 1950s and early 1960s, to describe the comedians I saw on television and, occasionally, in nightclubs, but it is the word Gerald Nachman uses throughout *Seriously Funny*. As he chronicles the efflorescence of comedy during this period, one begins to believe he does not use it imprecisely: A genuine rebirth was underway. For myself, I'm pleased to learn that I have lived through at least one renaissance before pegging out.

I have, for as long as I can recall, been amazed by stand-up comics—chiefly by their courage, though effrontery may be closer to the exact word. They stand there alone (though some have had companions: Costello had Abbott, Allen had Burns, May had Nichols) and propose to make an audience of strangers forget their personal troubles, not to mention the world's endless supply of suffering, and laugh. The announcing of it beforehand is where the nerve comes in. Wit, says Paul Valéry, entails defying anticipation. Professional comics, humorists, by their very presence, begin by establishing an anticipation—you will laugh at what I am about to say or do—and then set out not to defy but to fulfill it. That is why, as a writer, you never want to be known as a humorist; the only thing worse, in my opinion, is to be known as a national treasure.

Seriously Funny
The Rebel Comedians of the 1950s and 1960s
by Gerald Nachman
Pantheon, 659 pp., $29.95

Before the comedy renaissance, most comedians in America were known through radio, and a few through the movies. They did rather standard things: developed a set comic persona (Jack Benny's cheapness, Bob Hope's wiseguy patter), or, if in duos, ignorant figure (Lou Costello, Gracie Allen) played off commonsensical straightman (Bud Abbott, George Burns). An occasional wildly talented comedian—Danny Kaye comes to mind—could do both physical and verbal humor and toss in a few songs at no extra charge. Jackie Gleason, through great acting skill, could be poignant as a permanent underdog with pretensions to mastery over his world, as in his Ralph Kramden character on the television program *The Honeymooners*.

But about all this comedy there was a safeness. You could turn on the *Ed Sullivan Show*, or Milton Berle's *Texaco Star Theater*, or the *Jackie Gleason Show*, and a number of others and not worry about having your politics, religion, lit-

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Mort Sahl

Pantheon

tle snobberies in the least ruffled. The great god Show Biz set strict boundaries, with lines that could only be crossed on pain of ending one's career.

Then, poof and shazam, everything changed. Late one night—I wish I could recall the year—I was watching the *Tonight Show*, then run by a lachrymose man named Jack Paar, who introduced the comedian Mort Sahl. Seated upon the guest's couch, Sahl proceeded to report that he had just had a disarming letter from the NAACP, informing him that, liberal and man of the left though he was, he, Sahl, had no Negro (as the word then was) in his act. With an expression of chagrin Sahl allowed that this was so, but then, bucked up now, he added that he had hired a brilliant young Negro comedian and incorporated him smoothly into his act. Pause: allow two beats. Then Sahl, looking down at his wristwatch, announced, with a gritting of teeth, a slight shake of the head, "He should have been here by now."

The television audience in New York didn't know what to do with this complicated but superior joke. Is Sahl, a man of the left, playing off the old stereotype about blacks' being tardy, also known as CPT (Colored People's Time)? Or is he skewering those who believe in the stereotype? Rather different, this kind of humor, than watching Milton Berle get hit in the face with a huge powder puff.

The argument of *Seriously Funny* is that the 1950s laid the groundwork for the loosening up of American culture that took place in the notorious 1960s, with comedians often serving as, in Gerald Nachman's phrase, "cultural harbingers":

> [Mort] Sahl of a new political cynicism; Lenny Bruce, of the sexual, pharmaceutical, and linguistic revolution (and of the anything-goes nature of comedy itself); Dick Gregory, of racial unrest; . . . Mike Nichols & Elaine May and Woody Allen, of self-analytical angst and a rearrangement of male-female relations; Stan Freberg and Bob Newhart, of the encroaching, pervasive manipulation by the advertising and public relations culture; Mel Brooks, of the Yiddishization of American comedy; Sid Caesar, of a new awareness of the satirical possibilities of TV; . . . Tom Lehrer, of the inane, hypocritical (and in Jean Shepherd's case, melancholy) nature of hallowed Americana and Nostalgia; and in the instances of Allan Sherman and the Smothers Brothers, of its overly revered folk songs and folklore; Steve Allen, of the late-night talk show as a force in Comedy and of the reliance on wit over verbal pratfalls; Shelley Berman, of a generation of obsessively self-confessional humor; Jonathan Winters, of the possibilities of free-form improvisational comedy and of a sardonically updated view of Midwestern archetypes; and Ernie Kovacs, of surreal visual effects and the unbound vistas of video.

Nachman provides chronicles of the careers of all these comedians, along with those of Phyllis Diller, Bill Cosby, Godfrey Cambridge, Vaughn Meader, Will Jordan, Bob & Ray, David Frye, and Joan Rivers. Much interesting information crops up along the way: Stan Freberg, for example, we learn is not Jewish, though Tom Lehrer (who wrote the song "I'm Spending Hanukkah in Santa Monica") is. He reminds us of George Jessel and Joe E. Lewis, the unfunny comedians the country had agreed to laugh at; he might have added Eddie Cantor and Danny Thomas to the list. Nachman makes the crucial distinction between the flat-out joke and the comic insight: The latter is set in a context and brings plausibility to the unpredictable. His prose is sometimes rather more juiced up than one would like: He refers to "comic-kazis" and "all-out girl-illa warfare," calls too many comedians "larger than life," and others "icons," and still others, yes, "national treasures." But he has written so solid and informative a book that these venial sins can be forgiven. Nachman's is a book that entailed much in the way of reading and interviewing; and though its subject may seem light, the stuff of trivial pursuits, its importance is genuine.

Just as we would know a great deal less about fifth-century B.C. Athens without Aristophanes' comedies, so the stand-up comics who began to appear in the 1950s provide much insight into what followed them in the culturally revolutionary years in America of the late 1960s and beyond. Nachman announces that his aim in his accounts of the satirical comedians—I myself think "radical" comedians more precise, for the best were radical in their time—is to "show not just their genius but to catch glimpses of their demons, damaged souls, and desperate drive." He does all this, but I think that, without setting out to do it, his book does something more: It suggests that what certain comedians are able to joke about today can presage what will become reality a few years, possibly decades, later. These comics, out there trying to make a living, were, probably unbeknownst to themselves, an advance guard.

Think upon it: Mort Sahl's political iconoclasm, Lenny Bruce's sexual and pharmacological liberationism, Mel Brooks's deliberate tastelessness—all are, in Trollope's phrase, "the way we live now." For better *and* worse, they helped pave the way. A man who until then had been a great military hero was nicely reduced in stature when Mort Sahl mocked Eisenhower's limited verbal agility by saying—as I once heard him say at a now defunct Chicago nightclub called Mister Kelly's—that a meeting between Ike and Adlai Stevenson had to be cancelled because the interpreter failed to show up. The one time I saw Lenny Bruce, the weekend after the John F. Kennedy assassination, he claimed that the reaction of Vaughan Meader, a John F. Kennedy impersonator, to the news of the president's assassination was: "What!

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50,000 T-shirts down the crapper." After the initial shock, hearing Bruce one realized that of course he was on target—no political event, no matter how shattering, finally gets in the way of business as usual—and the result is a gain, however small, in perspective.

The comedians who are the subject of *Seriously Funny* had a distinct advantage over those operating today: censorship. For example, the ignominious Joe Kennedy, father of JFK, tried to stop Sahl from making jokes about his son. The man known as the founding father, in reaction to jokes about his son the president, told Sahl's agent, "I don't care how you do it, but get that Jew to shut his f—ing mouth," and suddenly it became tougher for Sahl to get club dates. Owing to Tom Lehrer's mocking song "The Vatican Rag," most radio stations round the country refused to play his other songs. Because of his insistence on using language judged obscene, Lenny Bruce lost his New York cabaret license and was embroiled—"broiling" seems the right metaphor here—in endless legal tangles in New York and Chicago.

Dostoyevsky, himself operating under the censorship of the tsar, once said that anyone who couldn't find a way to get around the censors didn't really deserve to. Yet in the bad good old days, censorship could give cachet to a comic. A stern bourgeoisie still existed to *épaté*. Now, when anything goes, one could have open-heart sex on the Comedy channel during prime time and no one would much care. Nachman makes the point that comedy doesn't, somehow, seem to have the weight now that it did then. Stand-up comedy has become more manic, an exercise, as he puts it, in "attitude," the word that "defined 1980s and 1990s comedians like Dennis Miller, Garry Shandling, Roseanne Barr, and David Letterman"—I'd throw in Robin Williams and Eddie Murphy—and, he adds, "cynicism replaced humor."

Nachman thinks of the comedians he has written about as heroic. I doubt that many, Lenny Bruce distinctly apart, thought of themselves that way. Most were trying to make a living. Their lives, true enough, tended not to be immensely happy ones. "I don't think being funny is anyone's first choice," Woody Allen has said. *Seriously Funny* is loaded with remarks of similar lugubriousness. The secret he and Elaine May share, Mike Nichols reports, "is that neither of us like people very much—they have no reality for us." "Childhood seems good in retrospect," said Jean Shepherd, who used to do comic vignettes over the radio about his growing up in Hammond, Indiana, "because we were not yet aware of the basic truth: that we're all losers, that we're all destined to die." Shelley Berman, who for a brief period in the late 1950s was a household name, says that "the future is a breaker of promises." I don't hear any laughs out there. C'mon folks, these are the jokes.

Jonathan Winters

Pantheon

An optimistic comedian is oxymoronic, if not nonsequitorial. Depression, aggression, and monomania, with an occasional touch of alcoholism for added piquancy, are more like the order of the day for successful stand-up comics. Sid Caesar, who was perhaps the only comic genius

Lenny Bruce

Bettmann / CORBIS

to appear regularly on television, went into psychotherapy in later years, conquered his drinking problem, lost a lot of weight—and promptly ceased to be even mildly amusing. "Tragedy is if I cut my finger," said Mel Brooks. "Comedy is if you walk into an open sewer and die." And that, as the man said, is entertainment.

Not all of Gerald Nachman's roster of stand-ups were, to use the French phrase, *messugah*. Bob Newhart, Steve Allen, Bob & Ray, Bill Cosby—all Gentiles—appear to have been less mad, much calmer. The calmest of all, though, is Tom Lehrer, who seems to have got the most out of a small talent for writing musical burlesques based on other people's songs. An academic mathematician, he worked fewer than seven years, giving only 109 performances and retiring from show business at twenty-nine, but made, one assumes, a good deal of money on recordings (*The Remains of Tom Lehrer*, three CDs and a book of his lyrics, has recently been released by Warner Archives), and then returned to a light teaching load at the University of California at Santa Cruz. He claims to be a lazy man with a short attention span, whose inspiration for further songs dried up. "I just stopped getting funny ideas," he told Nachman. He also claims—the line is by now rather well known—that "political satire became obsolete when Henry Kissinger was awarded the Nobel Peace Prize." He is not the only comedian to complain about the toll that political correctness has taken on freewheeling comedy: "When I was in college there were certain words you couldn't say in front of a

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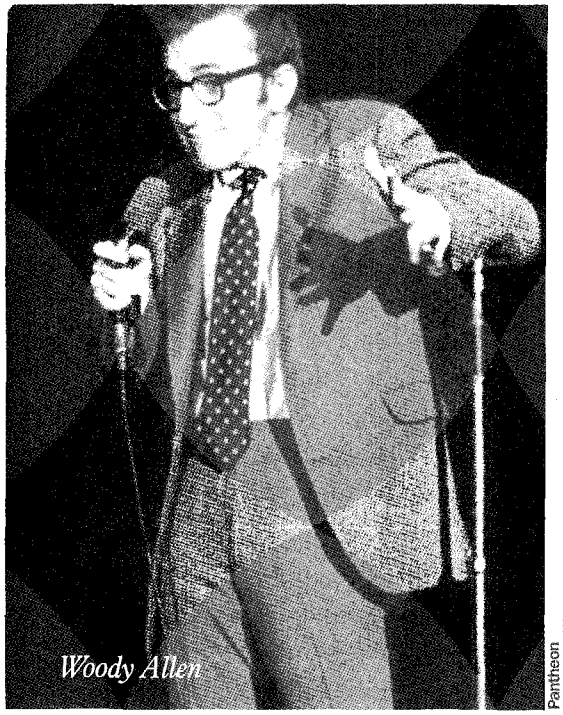
Woody Allen

Pantheon

girl. Now you can say them, but you can't say *girl*." This line is reminiscent of the one about how in the old days one went into a drugstore to buy a package of cigarettes and whispered to the pharmacist that one would also like a package of condoms; today, of course, it is just the reverse.

Along with the Smothers Brothers, who took many shots at the way the Vietnam War was run, Tom Lehrer was one of the few comedians of the era who went after what were then thought conventional right-wing targets: the Catholic Church, the segregated South, and nuclear weapons (and, especially, German nuclear scientists). The other comedians really feasted on liberalism, no matter how liberal their own culture. Nichols & May, with their brilliant skits on psychoanalysis and highbrow culture heavily worn, were really mocking liberals. So, too, was Lenny Bruce, insofar as he abused his audience, which he often did, for liberals took a certain pride in feeling themselves hip when listening to him rattle on in filthy language about the joys of drugs. ("I'm going to piss on you," Bruce told an audience in Sydney, Australia.) Mort Sahl, though an equal-opportunity abuser of politicians, has gotten in some of his best shots against those on the left. He said Gary Hart was JFK "without the batteries"; and of Jesse Jackson he declared, "Jesse's a man of the cloth—cashmere." Sahl may have the best working definition yet of a liberal: "Liberals are people who do the right things for the wrong reasons so that they can feel good for ten minutes."

The individual careers of the stand-up comedians of the 1950s and early 1960s have not been long lived. Some have been as brief as four years (that was the duration of Nichols & May, the sublimely funny team who split up in 1961). *The Smothers Brothers Show* was on television for only three years. Many seem to have had five or six solid years of fame and high pay, and then, for one reason or another, crashed and burned, with the exception of those lucky enough to score with a television sitcom (Bob Newhart is the notable example here), or veer off into movies and theater (Mel Brooks, Woody Allen). Some go on to collect more honorary degrees than laughs (Bill Cosby). Some keep flailing away, operating where and when they can, their old magic dissipated into grossness, no longer even faintly amusing (Joan Rivers).

Stand-up comedy has never been easy. A comedian of another generation, Jerry Seinfeld, compares it to working in your underwear, so exposed is one alone on the stage with only one's wit for protection. Steve Martin claims that eventually it wears one down. Nor is there much available in what the low-grade psychologists call "support systems." Fellow comedians are likely to be your toughest critics (as journalists, novelists, poets, playwrights are of their own fellow workers). *Seriously Funny* is riddled with one comedian putting down another; and there is a great deal of talk among them of having their material stolen by comrades. "All the stuff in *Annie Hall* is really me," according to Mort Sahl. Shelley Berman hints that Bob Newhart may have lifted his use of the one-sided telephone conversation. Johnny Carson is thought to have glommed Jonathan Winters's character Maude Frickert for his character Aunt Blabby. Of an impressionist named Will Jordan, whose distinction resides in his having done the first successful impression of Ed Sullivan, Nachman writes, "Larceny, both grand and petty, is the central theme of Jordan's life."

Most of the comedians in *Seriously Funny* feel that something has happened to the country to make it less appreciative of comedy of any subtlety. A grossness seems to have set in, perhaps owing to the fact that obscene language and the subject of sex are now standard fare. Political correctness has foreshortened possible subject matter. In the early 1950s, at the Compass Players, the precursor of Second City, I recall seeing Mike Nichols improvising a very swish businessman in a skit called "Executive Sweet." Tom Lehrer told Nachman that "you can't say anything now that won't offend an audience. It would be nice to just let 'em have it—feminists and antifeminists and affirmative action and bleeding hearts and kneejerk liberals, and not be embarrassed about it." But, apparently, nobody is ready to do it.

The most consistent complaint, though, is about the growing obtuseness of the audience. In an earlier time, comedians blithely fired away. Imogene Coca, Sid Caesar's co-star, said that on their television show "it never occurred to anyone to talk down to the audience. We just automatically assumed that people understood what we were doing." Tom Lehrer complains that "people don't know enough today. Who would get a Schopenhauer reference?" Shelley Berman adds that "what's happening now is that there is no life [in comedy shows and routines] after teenage. Not everyone can laugh at going to the toilet or diddling with oneself or whatever seems to amuse today—catching your penis in a zipper, which of course is *so* brand-new." Television, which was once the great entrée for stand-up comics, is so no longer. "TV," Woody Allen notes, "is idiot stuff, designed by idiots for idiots."

A few weeks ago someone lent me a videotape entitled *The Best of Danny Kaye*. Most of the material came from Kaye's television show of the early 1960s. Along with being a swell dancer and an amusing singer—Kenneth Tynan said he had perhaps the best diction of anyone in show business—Kaye

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was a skit comedian. The skits on this tape assumed that his viewers knew something about Sigmund Freud and psychoanalysis, classical composers, ballet, and French history—and Danny Kaye was never thought an especially cerebral comedian.

Why are producers of mass entertainment less willing to be richly allusive today when a greater number of Americans have participated in higher education now than then? The Internet and cable television are sometimes said to constitute a knowledge explosion. Why comedy, like learning, must be pitched to the lowest, not the highest, level, is far from clear, except for the belief that the cruder the presentation the larger the audience the safer the investment. Someone recently told me that when he performs today, early in his act Mort Sahl tells three jokes at three different levels of sophistication, and pitches the rest of his act on the basis of the audience's reaction to those three jokes: smart, passable, hopeless.

Every good joke, it has been said, requires three people: the person who tells it, the person who gets it, and the person who doesn't. It would be a great pity if everyone today is much too worried about those laggards, those dullish third persons. Catering to them can only kill the joyfulness of comedians shpritzing away at full sail, not particularly caring if everyone in the audience can keep up with them.

My memory of watching some of the superior comedians whose careers are chronicled in Gerald Nachman's book is that of being utterly charmed by witty invention. Connecting the bright-colored dots they strewed upon the air, one felt one was seeing things in a fresh and riveting and, somehow, useful way. Swept up in wave upon wave of laughter, one was utterly captured and yet didn't want to be released. Something like the reverse of a catharsis was at work: not pity and terror but exultation and delight were the reigning emotions. Above all, one didn't want the comedian to leave the stage, ever. Sad to have to describe this experience in the past tense, but there are, alas, too many reasons to believe that we may never know it again. ♦

Law and Justice

Russell Hittinger on the laws of nature and nature's God. BY THOMAS HIBBS

The way we talk about natural law is "abundant" but "terribly degraded." Or so, at least, claims Russell Hittinger in *The First Grace: Rediscovering the Natural Law in a Post-Christian World*. Many intellectuals—of a wide range of philosophical schools—hoped that serious public talk about natural law could provide a basis for a public consensus about the foundations of law and morality. And that hope, argues Hittinger, is the cause of both natural law's popularity and natural law's debasement these days. Once natural law is seen chiefly as an "instrument of persuasion," its truth comes to be measured by its success in achieving consensus.

The First Grace
Rediscovering the Natural Law in a Post-Christian World
by Russell Hittinger
ISI, 334 pp., $24.95

Hittinger's *The First Grace* is a collection of occasional pieces, and it shares the weaknesses of the genre: abruptness in the transition from one essay to another and a sense that an important investigation is just getting started when it ends. Nonetheless, the volume has a unifying thread: the attempt to recover the integrity of the natural law teaching of Thomas Aquinas. Hittinger is at his best precisely on the issues that most natural law theorists overlook: the obstacles to our modern attempts to understand and apply premodern natural law. One of the dominant modern conceptions sees natural law as neither a higher nor even a lower law; instead, natural law represents those "contingent but pervasive aspects of the human predicament which provide background problems and motivations for positive law." Natural law becomes an "authority-free zone." The meaning of natural law has become so attenuated that one contemporary philosopher defines it as "fancy names for all the moral truths, known and unknown, that can be formulated in all the possible moral vocabularies."

One expects that natural law would not remain what it was for Aquinas, given our modern philosophers' doubts about whether human nature has a natural goal or *telos*. But even our modern *theologians* have contributed to the diminution of natural law. In the work of philosopher Joseph Fuchs, for example, natural law ceases to be a law. God's contribution to natural law is merely to set up the material conditions to which the human intellect supplies the crucial and definitive concrete norms. The conception of God operative in much of contemporary moral theology is a species of deism. God exists, creates, but does not rule or legislate. In an argumentative style that has become standard for contemporary theology, Fuchs labels the suggestion that scripture and revelation might supply a "categorical and determinate norm" as—what else?—"fundamentalism."

In place of the traditional Christian understanding of God as providential ruler, Fuchs substitutes a conception that has more in common with the modern Kantian insistence on the autonomy of practical reason. As Hittinger makes clear, a wide gap separates Kant's conception of the autonomy of human reason from Aquinas's decidedly theological definition of the natural law as the "participation of the rational creature in the eternal law." Natural

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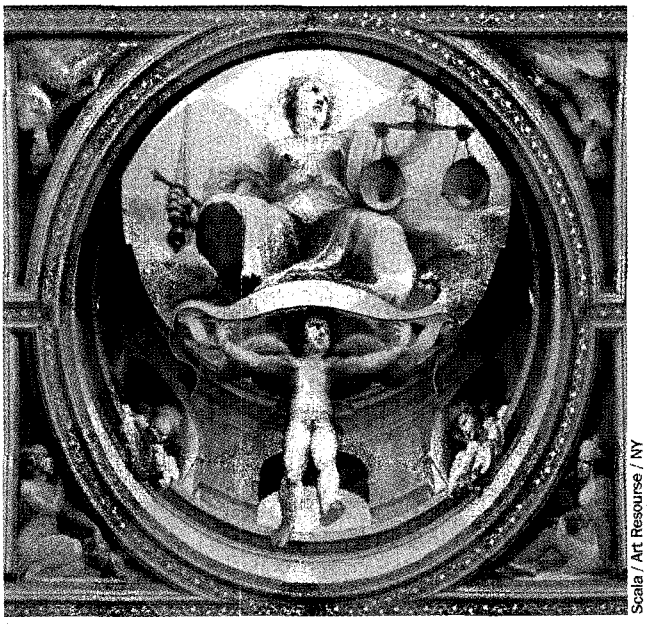
law is, as Hittinger's title underscores, the first gift, bestowed on human nature in the act of creation. Natural law is an intelligible ordering of human beings to goods congruent with, and perfective of, their nature. It is not the raw projection of divine power.

What modernity lacks is the philosophical concept of "participation," which avoids the twin errors of making human reason either purely passive with respect to the divine law or utterly autonomous from it. On Aquinas's view, the human intellect is an active participant in the articulation of the natural law—and such articulation is itself a clarification of the eternal law. Human reason is thus a "measured measure," which means that natural law is not merely a personal norm or a private judgment but the working out of a "supra-public law," as is the case, for example, in Martin Luther King Jr.'s appeal to a law that transcends human convention in his *Letter from a Birmingham Jail*.

As the reference to King indicates, Hittinger's account of the natural law draws upon sources other than Aquinas, including Protestant theologians such as Karl Barth, the neo-Calvinist Abraham Kuyper, and nineteenth-century Lutheran theologians who crafted the term "theonomy"—a term that John Paul II has recently adopted—to counter the Kantian dichotomy of autonomy and heteronomy. Hittinger thus articulates the basis for a broad, ecumenical recovery of natural law.

But Thomas Aquinas remains Hittinger's chief text—the bone that he worries again and again, the source he returns to over and over. Both theologians and philosophers, Hittinger argues, have failed to take notice of a crucial distinction in Aquinas—derived from Aristotle—concerning the difference between the order of learning and the order of being. Anyone who has taught children knows the distinction: The first things you teach a child about, say, a foreign language are the last things a formal grammar would contain. And so it is with creation: The order in which we learn about creation runs *up to God* from the natural, created objects all around us; the order in which God actually created beings runs *down from God* to those natural objects.

The distinction between the order of learning and the order of being applies to natural law as well. The ultimate source of natural law, its intelligible and obligatory ground, is God—but the existence of God is not first in the order in which we experience and come to know the law. The first apprehension of natural law in human experience is the realization that human nature is ordered to certain goods, the violation of which frustrates human happiness. Thomas Aquinas suggests that this first experience is an inchoate apprehension of something that needs to be clarified by philosophy. In contrast, modern philosophers tend to stop at this first step of experience, equating the natural law simply and exhaustively with what any human being can apprehend and readily agree upon. When the starting points are made the end points, Hittinger observes, the human mind declares independence not only from the deeper order of divine tutoring but also from the tutoring afforded by human culture—including human law.



Scala / Art Resource / NY

One might think that Hittinger's robustly theological conception of the natural law would either preclude the use of natural law in the public sphere or force him into some kind of serious entanglement of church and state. But Hittinger counters that there is no tension between allegiance to natural law and the duty of a judge to act in accord with the positive law. The best friends of judicial restraint are those who hold a substantive natural law view—for the simple reason that natural law involves and fosters a notion of "obedience to properly constituted authority."

In conservative circles, it has become common to complain that objections to the introduction of natural law into the public sphere reflect hostility to religion. Hittinger notes, for example, the tendency of American courts to define religion as coercive on its face and a form of irrational prejudice—which has put the courts in the impossible position of trying to discern clear lines between religion and culture, not just church and state. Hittinger's approach moves beyond these endless and insoluble arguments to astute observations about the way the convoluted reasoning of the courts transforms the very nature and meaning of church and state.

The most insidious feature of the courts' treatment of religion is not its hostility toward it, but its subtle transformation of "religion," with its specific beliefs and practices, into the "religious": "a vague attitude of devotion toward any object whatsoever." So, "In God We Trust," is deemed acceptable because its "rote repetition" has "divested it of . . . significance." But it isn't just religion that has been transformed by the courts. The greatest alteration has to do with the state itself.

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On this issue as on others, Hittinger begins on familiar ground but ends where few dare even to look. He starts by rehearsing a certain trend in court interpretation, from Justice Brandeis's famous assertion of a right to be left alone to Justice Kennedy's florid postulation of a fundamental right of the individual to determine the meaning of existence. Confused about the nature and location of sovereignty, "postmodern states tend to relocate sovereignty in the individual." This tendency is especially evident in the tendency of the court to "privatize the judgments regarding the use of lethal force."

Now, contemporary discussions focus on the tensions involved in attempting to balance "decisional liberty and the general interest of the state in preserving human life." Hittinger proposes that this misses the crucial issue. What we ought to focus on, he argues, is the conflict between "individual decisional liberty" and the "state's interest in preserving its monopoly over the use of lethal force." Hittinger reminds us of Locke's account of the origin of the state, whose crucial mark is the state's monopoly over the legal ability to kill. If individuals have a private franchise in the use of lethal force—as they do in legalized abortion—they are not members of civil society. The inference to be drawn from this is at once clear and deeply disturbing: a society that cedes the use of lethal force to private citizens ceases to be a "political society."

As a collection of essays, *The First Grace* is too piecemeal to alter in any fundamental way the contemporary conversation about natural law. But even from these essays, this much is clear: Hittinger is a natural-law theorist with a knack for knowing precisely when the conversation needs to back up to fundamental issues and when it needs to be pushed forward to its implications, however unsettling. What we await from him is the big book that will lay out a theory of natural law in comprehensive detail. Until then, *The First Grace* will suffice. ♦

The Wide World of Roone Arledge

The autobiography of a television pioneer.

BY MARTIN LEVIN

The autobiography of Roone Arledge features a large cast of behind-the-scenes characters, about whom it might be said "you had to have been there." It so happens that I was. In the prehistoric days of television, I was doing a daily five-minute wake-up show on New York's WRCA-TV. It was called *The Eye Opener*, and my stage manager was Roone Arledge, at the starting gate of his career.

Roone
A Memoir
by Roone Arledge
HarperCollins, 424 pp., $25.95

Martin Levin is a writer living in New York.

For the nervous performer I was, Roone was a lifesaver. He earned my everlasting gratitude by offering to hold up the cue cards on my debut morning, when I was desperate because no one else would (union rules, the stagehands insisted). And he confided that he was working on an ambitious sports feature. I was too distracted to know what he was talking about. It wasn't until five years later that the premiere of ABC's *Wide World of Sports* let me know what had been on Roone's mind.

Arledge was to television programming what Henry Ford was to automobile manufacturing. Like Ford, who introduced the assembly line, he developed a new concept: the marriage of athletic contests to dramatic values. He spelled out this approach in a groundbreaking manifesto he aimed at the production company that hired him to package college football. Its theme was "We are going to add show business to sports." Seeing a sports event in other than linear terms opened a Pandora's box of innovations.

All of this materialized a couple of generations ago. Most of today's television audience has never known a time without "instant replay" and the bag of camera tricks Roone employed to project "the human drama of athletic competition." Some spoilsports may claim they prefer the old days, when television cameras were stationary "like lighthouses." But to Roone, this was like "looking out at the Grand Canyon through a peephole in a door."

On Roone's watch, ABC televised over a hundred different varieties of contests, from cliff-diving to wrist wrestling. There was a galaxy of unique firsts, like the Twenty-four Hours of Le Mans and the Soviet/USA track meet. But overshadowing Roone's sports coverage was a major event tainted by an atrocity. This was the 1972 Summer Olympics at Munich, where the games were allowed by the chairman of the International Olympic Committee to continue uninterrupted, in spite of the massacre of the Israeli Olympic team. Roone gives a disturbing play-by-play account of televising "fourteen hours of tragedy."

The odd part of the Munich massacre coverage was that it was done not by the news division, but by sports, which mobilized the flexible resources Roone had on tap for the games. (The long lenses of ABC's cameras "brought the third-floor balcony of the Israeli quarters so close I could almost count the buttons on the safari jacket of an Arab in a white hat—the terrorists' leader I guessed. In addition, we had the use of two cameras stationed on top of the television tower in the middle of

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Roone Arledge with Howard Cosell.

the Olympic complex. From there they could peer down on anything that might happen on the roof of 31 Connollystrasse and the surrounding buildings.")

ABC's superb performance earned 29 Emmys and propelled Arledge into the news business. His appointment as news chief had a mixed reception. It aroused fears that this advocate of show biz lacked the requisite gravitas for the job of supervising "hard" news. This negative response did not deter Roone from employing for news reporting the same fluid format that had worked for sports. Its basic technique involved telling a story by cutting from one location to another. New devices were employed, including an Arledge innovation called the "whip": a string of segments that followed one another without being introduced by a central talking head.

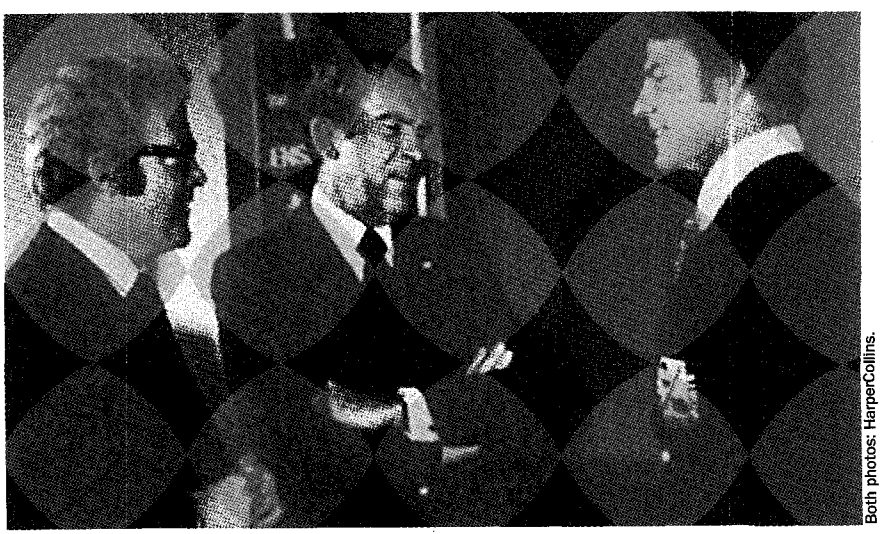
Not all of this programming was an instant hit. Diane Sawyer, paired with Sam Donaldson on a news feature called *Prime Time Live*, called it "a sonata for harp and jackhammer." But *Prime Time* grew into a durable fixture, as did *20/20*, *Nightline*, and other Arledge innovations. On the talent side of news broadcasting, Arledge favored the star system. Said Ted Koppel: "Howard Cosell, Barbara Walters, Diane Sawyer, Sam Donaldson, Peter Jennings, Ted Koppel: Is there anyone who has created more anchor monsters?" But with managerial personnel, celebrity casting didn't work. When Carl Bernstein was appointed ABC *News* Washington Bureau chief, Arledge said Bernstein "couldn't have organized a one-car funeral."

Arledge zeroed in on human values, whether in the pop culture or geopolitics. On August 16, 1977, the lead story on NBC and CBS was a denunciation by Ronald Reagan of the Panama Canal Treaty. It turned into a landmark moment in news coverage when ABC outran the competition by featuring the death of Elvis Presley. In a thornier venue, the 444 days of the Tehran hostage crisis were covered by a hypnotic nightly half hour of state-of-the-art television that eventually morphed into Koppel's *Nightline*.

Roone reinvented the visual aspect of TV news by the use of technology and technique. The technology included computer-generated graphics, hidden cameras, and gimmicks that dissolved the static appearance of the television screen. The technique involved flamboyant editing maneuvers that had not previously been associated with the news. Roone's innovations were both criticized and widely imitated.

Roone's expansive managerial style eventually collided with the takeover era of corporate cannibalism, "where buying and selling far outstripped content." As he notes, "Time and Warner became Time-Warner became AOL Time-Warner and Turner Broadcasting disappeared somehow into the maw. . . . CBS went from Paley to Tisch (Loews) and on to Redstone (Viacom) who had already swallowed Paramount and Blockbuster Video. . . . And so on and so on." ABC was sold to Capital Cities Broadcasting, the largest ABC affiliate group. Cap Cities was a frugal, bottom-line operation. ("They talked about product rather than programs, assets rather than people.") As Leonard Goldenson, ABC's president put it: "The canary has just eaten the cat." The new management went about marginalizing Arledge in a climate that he described as "Kafkaesque."

Roone Arledge died on December 5, 2002, acknowledged as a creative innovator, a media giant who revolutionized the way we see sports and news. He was all those things, plus a good Samaritan who held up my cue cards. ♦



Both photos: HarperCollins.

Roone Arledge, Richard Nixon, and Frank Gifford.

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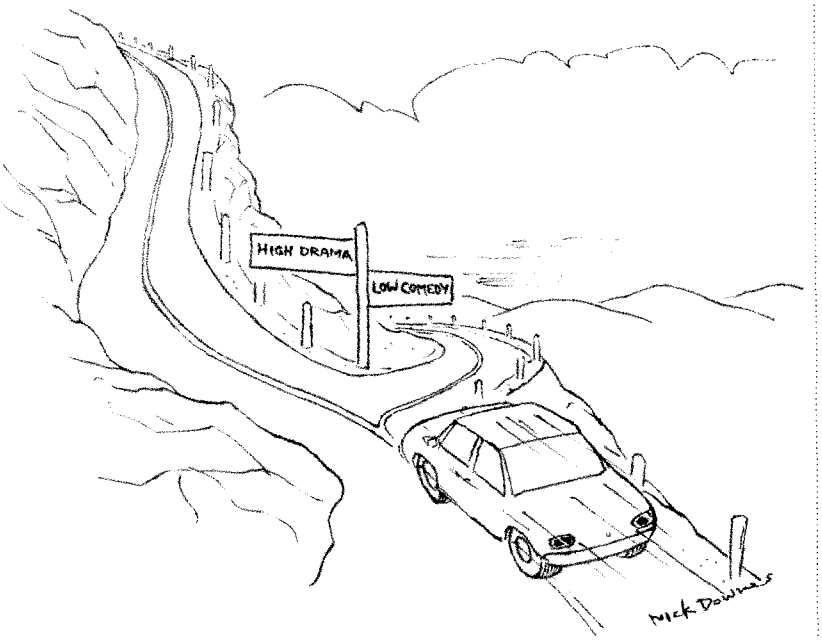


Books in Brief

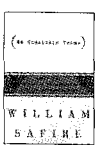
***Director's Cut* by Roger L. Simon (Atria, 241 pp., $23).** No one opening the eighth adventure of California private eye Moses Wine can avoid noticing its politics. In the first paragraph, Wine, the radical Berkeley grad who "had espoused every so-called progressive cause from anti-nuke to pro-choice to saving the West Indian manatee," admits to finding himself agreeing with John Ashcroft in our post-September 11 world.

The initial boos from the left—for whom Wine has been a hero ever since his first appearance as the one radical detective in the 1973 *The Big Fix*—and tentative cheers from the right will have faded by the end of the book, when both are laughing too hard to care. Moses hasn't really changed his political stripes all that much, and the main target of his creator's satire is one everybody enjoys ridiculing: the motion picture industry.

A Hollywood friend asks Wine to go to Prague, where an American independent film shoot is being menaced by anonymous threats, possibly in anti-Semitic response to the film's Holocaust theme. When the director is disabled in a terrorist attack, the inexperienced Wine actually takes over directing in addition to his security duties. The novel's climax comes at the Sundance Film Festival, giving Simon added opportunities to skewer the foibles of the independent film world. Along with the laughs, Simon delivers well-conceived action and suspense, and while this is far from a formal puzzle in the Ellery Queen or Agatha Christie manner, the final surprise is fair.

For some, Simon's humor may go too far. Here's a litmus test: The Grand Rabbi of Prague, a wannabe screenwriter, is found murdered clutching a script entitled *The Protocols of the Elders of Zion—The Motion Picture*. If you find that amusing, you will definitely enjoy *Director's Cut*.

—Jon L. Breen



***No Uncertain Terms* by William Safire (Simon & Schuster, 370 pp., $25).** William Safire has been writing his weekly *New York Times* column "On Language" for nearly twenty-five years, and *No Uncertain Terms* is the fourteenth book to be culled from these weekly disquisitions on English grammar, usage, syntax, etymology, and, as often as not, tact. The mass of vogue words emanating from Washington alone reveals our political culture to be in equal parts clever and witless, and Safire shows relentlessly how much the everyday language we speak owes to political spinning, though he doesn't neglect the damage done by technology and entertainment.

So, for instance, he revisits Bill Clinton's dodgy use of "is" and "alone." George Bush's less artful linguistic sins also take their hits. (See "NU-ky-ler," a mispronunciation he shares with Jimmy Carter.) "We've been languoring away here in Washington," said tube-hound attorney William Ginsburg back in Lewinsky days. Writes the impish Safire: "You cannot *languor away*. On the other hand, through such mistakes we grow the English languish."

Then there are those phrases the language can't seem to shake. "As far as the eye can see" is a bit of rhetorical overreach we should avoid, as is "chilling effect." The same with the slippery dismissal "to move on," the brusque "get over it," and the omnipresent "actually" and "totally."

Safire loiters through the minefield of "weapons of mass destruction." Some had guessed it's an adaptation of a Russian term from the Cold War meaning roughly "a massive air assault." Safire traces it through the Truman-Atlee-King declaration of 1945 that proposed "eliminating from national armaments atomic weapons and all other major weapons adaptable to mass destruction," the author of which seems to have been MIT engineer Vannevar Bush. After its adoption by the United Nations soon afterward, the phrase stuck. In just this way does the language get grown—and overgrown.

—Tracy Lee Simmons

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State of the Union Address

Delivered January 27, 2004
President George W. Bush

(Cont'd.)

and so this administration will continue to move ahead. On tax policy, our economists have recently brought to my attention a series of brilliant tax reform measures instituted in the African nation of Niger, which we hope to import and adopt in this country. These measures, including the elimination of the death tax, the income tax, and the sales tax, have produced a surge in federal revenues and enabled the government of Niger to fund a perfectly functioning missile defense system. On education, we have much to learn from the school voucher plan of Niger, which has produced graduation rates surpassing 100 percent and SAT scores above 1500.

This nation can no longer tolerate a medical care system that leaves over 40 million Americans uninsured. Fortunately, a national health care system like the one developed in Niger can be easily implemented in the United States. It will provide high quality universal coverage to all Americans at one-tenth of the present cost, just as it does already in Niger.

I have been impressed by the intelligence I have received on the Niger Defense of Marriage Act, which has rehabilitated hundreds of thousands of homosexuals, turning them into conservative heterosexual Southern Baptists with an overwhelming tendency to volunteer at inner-city, faith-based community service centers. HIV has been eradicated.

Similarly news has reached me on the tremendous results of the Niger Global Warming Treaty, under which fossil fuels consumed by SUVs produce chemicals that reverse the greenhouse effect.

Meanwhile, on the Middle East, I have learned that a plan developed in Niger

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Lost Opportunities

Eric A. Hanushek is the Paul and Jean Hanna Senior Fellow at the Hoover Institution.

One way to look at the costs of failed education reforms is to calculate the added money we put into our schools with no improvement in student performance. These costs, although significant, pale in comparison to the opportunity costs to our economy. In failing to reform our schools, we are failing to provide the foundation for our own future economic growth.

The impetus for many education reforms today was *A Nation at Risk*—a federal report issued in 1983 that concluded the United States was hurting itself by maintaining mediocre schools. Unfortunately, the push to improve schools resulting from the report has led to ineffective reforms. Per-pupil spending, for instance, has increased by 50 percent over the past twenty years; pupil-teacher ratios have fallen by a sixth, to sixteen to one; and yet student performance, according to the National Assessment of Educational Progress, is essentially the same today as it was in 1970.

Although the resources we are providing to schools are increasing, the quality of the education those schools are providing is not. This is a crucial distinction because extensive research demonstrates that education quality, as measured by test scores, is related to the earnings of individuals, national productivity, and economic growth.

Individuals with greater skills tend to earn more than those with lower scores. But each individual's education also has the potential of making others better off: a more educated society has a higher rate of invention, leading to increased productivity, which leads to more invention, which equates to more productivity, and so on. The resulting economic growth determines the improvement that will occur in society's overall standard of living.

Labor force quality can be directly related to the economic growth of a country. Relying on objective measures of the mathematics and science performance of students in many countries during the past four decades, a colleague and I considered differences in national growth (after accounting for differences between countries' levels of income, the average number of years students are in school, and population growth rates).

We discovered that **school quality has profound effects on economic growth**—feasible levels of improvement in math and science skills can lead to as much as a 1 percent increase in the annual growth rate of per capita gross domestic product (GDP). Although 1 percent may not sound significant, consider this: in the year 2000, per capita GDP in the United States was $34,950; an annual growth rate of 1 percent would raise that to $57,480 by 2050—more than a 60 percent increase.

What if the United States had embarked on true school reform at the time of *A Nation at Risk?* Had we lifted math and science performance to the level of the best European countries during the decade of the 1980s, U.S. growth would begin to pick up as those students became a significant portion of the labor force. Today, on the twentieth anniversary of the report, the "reform dividend" from this growth could have exceeded our total annual spending on K–12 education.

The opportunity costs for failing to reform our schools have been high and will only continue to rise if we do not act now to make education reform a reality. The economic future of this nation simply cannot readily afford another twenty years of lost opportunities.

— Eric A. Hanushek

Paid for by the Hoover Institution, Stanford University.

Interested in reading more?

Contact us to receive a complimentary copy of chapter one, the Findings and Recommendations of the Koret Task Force on K–12 Education.

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